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Note:

This edition of Volume 13 of the Statutes at Large of South Carolina was published in 1875. In this edition, acts passed during the 1866 special session (September 4-21, 1866) are numbered *4766-*4798 and are on pages 366¹ through 366³⁰. Acts passed during the 1866 regular session (November 26-December 21, 1866) begin agains with number 4766, continue through 4872, and begin at page 367.

There was, however, an earlier edition of Volume 13, evidently published shortly after the regular session of 1866. In that edition, acts passed during the special session are numbered 4776-4798. Acts passed during the regular session are numbered 4799-4895.



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THE
STATUTES AT LARGE
OF
SOUTH CAROLINA.

Volume XIII,

CONTAINING THE

Acts from December, 1861, to December, 1866.

ARRANGED CHRONOLOGICALLY.

PUBLISHED UNDER AUTHORITY OF THE LEGISLATURE.

COLUMBIA, S. C.:
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1875.

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STATUTES AT LARGE.

AN ACT TO RAISE SUPPLIES FOR THE YEAR COMMENCING IN
OCTOBER, ONE THOUSAND EIGHT HUNDRED AND SIXTY-ONE.

A. D. 1861.

No. 4566.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That a tax for the sums and in the manner hereinafter mentioned shall be raised and paid into the Treasury of this State, for the use and service thereof, that is to say: one dollar and thirty cents, *ad valorem*, on every hundred dollars of the value of all lands granted in this State, according to the existing classification as heretofore established; one hundred and twenty-six cents per head on all slaves: *Provided*, That all lands or slaves in this State, now in possession or under the control of the enemy, and such other lands or slaves as may be taken by the enemy before the return of the said property to the Tax Collector, and also such other lands as shall have been abandoned by the owners, in consequence of the action of the military authorities, shall be exempt from taxation under this Act; three dollars on each free negro, mulatto or mestizo, between the ages of fifteen and fifty years, except such as shall clearly be proved to the satisfaction of the Collector to be incapable, from maims or otherwise, of procuring a livelihood, and except those who now are or have at any time been in the service of the army of this State or of the Confederate States, in the existing war; twenty-two cents, *ad valorem*, on every hundred dollars of the value of all lots, lands and buildings within any city, town, village or borough in this State: *Provided*, That the tax on lands and buildings in the city of Charleston be assessed on the value of the lands only, where the buildings and improvements on the land have been destroyed by the late conflagration: *And provided, further*, That no tax shall be levied on lots, lands and buildings within any city, town, village or borough in this State which have passed into the possession or under the control of the enemy, or which may pass into the possession or under the control of the enemy before returns are made to the Tax Collectors; one hundred cents per hundred dollars on factorage, employments, faculties and professions, including the profession of dentistry, and including herein Clerks of Courts of Common Pleas and General Sessions, Sheriffs, Masters and Commissioners in Equity, Registers in Equity, Registers of Mesne Conveyance, Ordinaries and Coroners, whether in the profession or employment of law or equity the profits be derived from the costs of suit, fees, or other sources of professional income, except clergymen, schoolmasters, schoolmistresses and mechanics; one hundred cents on every hun-

Land.

Slaves.

Exemption.

Free negroes.

Lots and buildings.

Factorage, employments, offices, &c.

Commissions.

A. D. 1861.	<p>dred dollars on the amount of commissions received by vendue masters and commission merchants; forty cents per hundred dollars on the capital stock paid on the first of October, one thousand eight hundred and sixty-one, of all banks which, for their present characters, have not paid a bonus to the State; eighty cents per hundred dollars on the capital stock of any bank of issue not incorporated by this State, paid in on the first day of October, one thousand eight hundred and sixty-one, doing business by agents within the limits of this State; forty cents per hundred dollars on the capital stock of all incorporated gas-light companies; one and a-half per centum on all premiums taken in this State by incorporated insurance companies, and by the agencies in this State, acting in behalf of insurance companies and underwriters without the limits of this State; twenty-two cents on every hundred dollars of the amount of sales of goods, wares and merchandise, embracing all articles of trade for sale, barter or exchange, (the products of this State, and the unmanufactured products of any of the States of the Confederate States excepted,) which any person shall have made from the first day of January, in the year of our Lord one thousand eight hundred and sixty-one, to the first day of January, in the year of our Lord one thousand eight hundred and sixty-two, either on his, her or their capital, or borrowed capital, or on account of any person or persons, as agent, attorney or consignee; ninety cents upon every hundred dollars of the amount of sales of goods, wares and merchandise whatever, which any transient person, not resident in this State, shall make in any house, stall or public place, whether the said sale be made by sample or otherwise; twenty dollars per day for all circus exhibitions; five dollars per day for representing publicly, for gain or reward, any play, comedy, tragedy, interlude or farce, or other employment of the stage, or any part therein, or for exhibiting wax figures or other shows, of any kind whatever, to be paid into the hands of the Clerks of the Courts, respectively, who shall be bound to pay the same into the Treasuries of the State of South Carolina, except in cases where the same is now required by law to be paid to the corporations or otherwise; one-tenth of one per cent. on all moneys loaned, moneys at interest, all moneys invested in the stocks or bonds of any State or corporation, other than bonds or stocks of this State, and other than the stocks of the banks and railroad companies of this State; one hundred and fifty cents for every hundred dollars of gross receipts of all commercial agencies within the limits of this State; thirteen cents on every pack of playing cards sold in this State; fifteen dollars upon every billiard table within this State, used to and for the purpose of raising a revenue therefrom; one hundred cents on the hundred dollars of all salaries, including public offices, except officers of the army and navy, and on all wages, from whatever source derived, except wages of five hundred dollars or less per annum.</p>
Bank capital.	
Business agents.	
Gas and Insurance companies.	
Merchandise.	
Transient merchandise.	
Circus and stage exhibitions.	
Moneys invested.	
Commercial agencies.	
Cards and billiards.	
Salaries.	
Taxes to whom payable.	<p>II. All taxes levied on property, as prescribed in the first Section of this Act, shall be paid to the Tax Collector for the tax district in which said property is located. The commissions to be received by the various Tax Collectors of this State, for the year commencing on the first day of October, one thousand eight hundred and</p>

sixty-one, shall be at the rate of seventy per centum of the commissions now allowed them by law.

A. D. 1861.

Police taxes,
return of.

III. The Tax Collectors in the several Districts and Parishes in this State, in their returns hereafter to be made, are hereby required and enjoined to state the precise amounts of taxes collected by them for supporting the police of the said several Districts and Parishes aforesaid, stating the rates per centum on the amounts of the State tax collected for said District and Parish police purposes, and the total amount of commissions received by each and every of such Tax Collectors, and the rate per centum of his commissions, and the Comptroller General shall return the same in his report.

IV. Free negroes, mulattoes and mestizoes are hereby required to make their returns and pay their taxes during the month of March; and the Tax Collector of St. Philip's and St. Michael's is allowed until the month of May to receive the taxes of white persons.

Free negroes,
returns of.

V. The lots and houses on Sullivan's Island shall be returned to the Tax Collector of the tax district in which they are situate, in the same manner as other town lots and houses, and shall be liable to the same rates of taxation: *Provided*, That lots and houses destroyed, or occupied without compensation, by the military, or used for military purposes, without compensation, or ordered to be vacated by military authority before returns are made, shall be exempt from taxation. That the President of the Columbia Branch of the Bank of the State of South Carolina do pay into the Treasury of this State the following sums, to wit: The sum of seventeen thousand five hundred and fourteen dollars and ninety cents, now on deposit in said Branch, and derived from the Government of the United States, as the portion of South Carolina for sales of public lands, received during the administration of Governor Manning. Also, the sum of sixteen hundred and fifty dollars, now on deposit in said Branch, and which is the balance of an appropriation for the benefit of the widows and orphans of the Palmetto Regiment.

Houses and lots
on Sullivan's
Island.

Bank of State,
moneys to be
paid by.

In the Senate House, the twenty-first day of December, in the year of our Lord one thousand eight hundred and sixty-one, and in the eighty-sixth year of the sovereignty and independence of the State of South Carolina.

WILLIAM D. PORTER, President of the Senate.

JAMES SIMONS, Speaker House of Representatives.

A. D. 1861.
 No. 4567.

AN ACT TO MAKE APPROPRIATIONS FOR THE YEAR COMMENCING
 IN OCTOBER, ONE THOUSAND EIGHT HUNDRED AND SIXTY-
 ONE.

Executive De-
 partment.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same. That the following sums be, and they are hereby, appropriated for the payment of the various officers and expenses of the State Government, that is to say: In the Executive Department: For the salary of the Governor, three thousand five hundred dollars; for the Private Secretary of the Governor, five hundred dollars; for the Messenger of the Governor, two hundred and fifty dollars; for the contingent fund of the Executive Department, ten thousand dollars, to be subject to the draft of the Governor, and to be accounted for annually by him to the Legislature; for the rent of the Governor's house, in Columbia, one thousand dollars; for the pay of the Special Private Secretary of the Governor, for his services during the past year, to be in full compensation for the same, fifteen hundred dollars; for the salary of the Special Private Secretary of the Governor for the present year, fifteen hundred dollars.

Legislative De-
 partment.

II. In the Legislative Department: For the pay of the members of the Legislature, and the Attorney General and the Solicitors, during the present session, and of the Committees appointed to inspect the Bank of the State and its branches, twenty thousand dollars, if so much be necessary; for the pay of the members of the Legislature, at the extra session, five thousand dollars, if so much be necessary; for the salaries of the Clerks of the Senate and House of Representatives, twelve hundred dollars each; for the salaries of the Assistant Clerks of the Senate and House of Representatives, two hundred and fifty dollars each; for the salaries of the said Clerks and their Assistants, and the pay of the Attorney General and Solicitors, at the extra session of the Legislature, four hundred and ninety-five dollars; for the salary of two Messengers and two Doorkeepers, each two hundred and fifty dollars, to be paid at the adjournment of the Legislature; for the salary of the Keeper of the State House and Librarian, seven hundred dollars; for the salaries of the Reading Clerks of the Senate and House of Representatives, each two hundred and fifty dollars; for the services of the Engrossing Clerks, to be paid under the direction of the President of the Senate and of the Speaker of the House of Representatives, four hundred and fifty dollars; for the printers of the Senate and House of Representatives, in pursuance of the contracts made by the Committees of both Houses, four thousand dollars, if so much be necessary, for the printing executed by the said printers during the present session of the Legislature, the same to be paid to them as soon as the amounts of the said contracts shall be ascertained by the Treasurer of the Upper Division; for the printer, for printing in pamphlet form the Acts and Journals of both Houses, Reports and Resolutions agreed to, the Governor's Messages, Reports of the President of the Bank and Comptroller General, with the accompanying documents, two thousand five hundred dollars, if so much be necessary: *Provided*, That the number of copies specified in the proposal of the printers, as accepted by the Legislature, shall be printed and deposited in the

A. D. 1861.

office of the Treasurer of the Upper Division before the twentieth day of February next, and the amount to be paid according to the proposals, which shall be ascertained by the Treasurer aforesaid: *And further provided*, That the printer of Acts and Journals do publish in his newspaper, at Columbia, all the public Acts which may be passed at the present session, within twenty days after the adjournment of the Legislature, and forward by mail, to each member of the General Assembly, and each of the Judges, a copy of such newspaper, as soon as such paper is issued; for Theodore Starke, for contingent expenses during the present session of the Legislature, six hundred dollars, if so much be necessary, to be accounted for by him at the Treasury, and reported by the Treasurer to the General Assembly; for stationery, fuel, distributing Acts, and expenses of election returns, fourteen hundred dollars, if so much be necessary.

III. In the Judiciary Department: For the salary of the Chief Justice, three thousand five hundred dollars; for the salaries of the Judges and Chancellors, three thousand dollars each; for the salary of the Attorney General, eleven hundred dollars; for the salaries of five Solicitors, nine hundred dollars each; for the Clerk of the Court of Appeals, in Columbia, six hundred dollars; for the salary of the Messenger of said Court, at Columbia, two hundred dollars: *Provided*, It shall be the duty of the said Messenger to summon all members of the bar who are members of the Legislature, when their cases may be called for trial; for the salary of the Librarian of the Court of Appeals, in Columbia, two hundred dollars, the same to include the expenses of fuel for the Court of Appeals and for the Library; for the salary of the Clerk of the Court of Appeals, in Charleston, six hundred dollars; for the salary of the Messenger of the said Court in Charleston, two hundred dollars; for the salary of the Librarian of the Court of Appeals, in Charleston, two hundred dollars, to include the expense of fuel for the Court of Appeals and for the Library; for the salary of the State Reporter, fifteen hundred dollars; and the several appropriations aforesaid, for the Clerks, Librarians, Messengers, Reporter, and for the incidental expenses of the Court of Appeals, shall be paid by the Treasurer only upon warrant to be drawn by the presiding Judge of the Court of Appeals, at such times and for such portions as they may deem just and proper; and it shall be the duty of the said Reporter to attend in person, or by deputy, the sittings of the Courts of Appeals and Errors in Columbia and Charleston, and to report such arguments and statements of facts as may be necessary to a correct understanding of the decisions of the said Courts: *Provided*, That the Judges of the Court of Appeals may, if they think proper, announce the results of their decisions at certain stated periods, before filing their opinions: *And further provided*, That the said Reporter shall publish, in one or more of the newspapers at Columbia, an abstract of the principles decided by the Court of Appeals in its opinions, as soon as practicable after the delivery of the same; for the pay of the Jurors and Constables, twenty-five thousand dollars, if so much be necessary, the certificates to be paid at either Treasury.

IV. In the Treasury Department: For the salary of the Comp- Treasury De-
partment.

A. D. 1861.

troller General, two thousand dollars ; for the salary of the Clerk of the Comptroller General, seven hundred and fifty dollars, the said Clerk to be appointed and removed at the pleasure of the Comptroller General ; for the salary of the Treasurer of the Lower Division, and for clerk hire, two thousand dollars ; for the salary of the Treasurer of the Upper Division, and for clerk hire, sixteen hundred dollars ; for the Assessor of St. Philip's and St. Michael's, for making out and affixing assessments of each return, one thousand dollars ; for the services of the Comptroller General, for copying tax books, two hundred dollars ; for additional compensation to the Treasurer of the Lower Division, for the performance of the additional duties imposed upon him by an Act entitled " An Act to authorize the issue of certificates of stock to provide for the military defence of the State," ratified the twenty-second day of December, in the year of our Lord one thousand eight hundred and sixty, four hundred dollars ; for printing and distributing tax returns, seventeen hundred dollars.

South Carolina
College.

V. For the South Carolina College : For the salary of the President of the College, three thousand dollars ; for the salaries of seven Professors of the College, two thousand five hundred dollars each ; for the salary of the Treasurer of the College, five hundred dollars ; for the salary of the Librarian of the College, six hundred dollars ; for the salary of the Secretary of the Board of Trustees, two hundred dollars ; for the salary of the Marshal, five hundred dollars, also, one hundred dollars (\$100) for error in appropriation of last year ; the salaries of the President, Professors, Treasurer and Librarian, to be paid by the Treasurer of the Upper Division, quarterly, in advance, their drafts being countersigned by the Treasurer of the College.

Ordinary civil
expenses.

VI. For the Ordinary Civil Expenses : For the payment of the contingent accounts of the Upper Division, sixteen thousand dollars, if so much be necessary ; for the payment of the contingent accounts of the Lower Division, twenty-five thousand dollars, if so much be necessary ; for the payment of pensions and annuities, one thousand dollars, if so much be necessary ; for the payment of such claims as shall be admitted by the Legislature at its present session, ten thousand dollars, if so much be necessary ; for the support of Free Schools, seventy-four thousand four hundred dollars, if so much be necessary, to be distributed among the several election districts in the State, in the proportion of six hundred dollars to each Representative in the popular branch of the Legislature ; for the support of paupers at the Lunatic Asylum, seven hundred dollars, if so much be necessary ; for the education of the Deaf, and Dumb, and the Blind, seven thousand dollars, if so much be necessary, to be paid to the Commissioners in the same manner as the appropriation heretofore made ; for refunding taxes, as directed by the reports of the Committees of Ways and Means and of Finance and Banks, agreed to by the Legislature, one hundred and fifty dollars, if so much be necessary ; for the payment of the interest on one million nine hundred and sixty-five thousand dollars of bonds and stocks, issued for the construction of the New State Capitol, one hundred and seventeen thousand nine hundred dollars ; for the payment of the interest on three hundred and ten thousand dollars of the bonds

of the State, issued under an Act entitled "An Act to grant aid to the Blue Ridge Railroad," ratified the twenty-second day of December, in the year of our Lord one thousand eight hundred and fifty-nine, eighteen thousand six hundred dollars; for the payment of the interest on four hundred thousand dollars of bonds of the State, issued for the military defense of the State, twenty-four thousand dollars; for the payment of the interest on six hundred and seventy-five thousand dollars of bonds of the State, issued for the military defense of the State, forty-seven thousand two hundred and fifty dollars; for the payment of the interest on one million eight hundred thousand dollars of the bonds and stock authorized to be issued at the present session of the Legislature, for the military defense of the State, one hundred and twenty-six thousand dollars.

A. D. 1861.

VII. For Military Expenditures: For the salaries of the following officers, viz: Adjutant and Inspector General, two thousand five hundred dollars; Arsenal Keeper in Charleston, one thousand dollars; Arsenal Keeper and Powder Receiver at Columbia, at the rate of four hundred dollars per annum; Physician of the Jail and Physician of the Magazine Guard at Charleston, each five hundred dollars; and for the support of the Military Academies at Charleston and Columbia, thirty-seven thousand dollars, if so much be necessary; and the said Military Academies shall be under the direction of the Board of Visitors: *Provided*, That each District shall be entitled to send to said academies a number of beneficiaries equal to its representation in the House of Representatives, or in that proportion, as far as the appropriation for the school may allow; for the salary of the Clerk of the Adjutant and Inspector General, seven hundred and twenty dollars; for defraying the expenses of artillery companies and corps of pioneers belonging to the regiment of artillery in Charleston (*Provided*, That the corps of pioneers shall receive fifty dollars, and no more, and to be drawn in the same way as now provided by law for artillery companies,) twenty-five hundred dollars, if so much be necessary, to be drawn and applied in the manner prescribed by the Act in relation to that subject; for the services of the Secretary of State during the current year, for all services in issuing all military commissions, and in lieu of any charge against the State for commissions of civil officers, eight hundred dollars, to be paid as other salaries directed to be paid by law; for the salary of the Ordnance Officer, three thousand dollars; for the salary of the Clerk of the Ordnance Officer, one thousand dollars, if so much be necessary, to be paid upon the draft of the said Ordnance officer, said salaries to be paid quarterly; to defray the expenses attendant upon the military defense of the State, one million eight hundred thousand dollars, to be paid by the Treasurers of the Upper and Lower Divisions, upon the drafts of the Governor: *Provided*, That three hundred thousand dollars of the said amount shall be applied to the payment of the loan made under the resolution of the General Assembly adopted at the extra session, held in the month of November, in the year of our Lord one thousand eight hundred and sixty-one.

Military expenditures.

VIII. For Ordinary Local Expenditures: For the support of

A. D. 1861.

Ordinary local
expenditures.

the transient poor of Charleston, seven thousand dollars, to be paid to the City Council of Charleston, and accounted for by them to the Legislature; for the salary of the Port Physician in Charleston, including boat hire and other incidental expenses, eight hundred dollars; for the execution of the quarantine laws at Charleston, one thousand dollars, if so much be necessary, to be paid to the City Council of Charleston, and expended under their direction; for the salary of the Superintendent of the Fire Proof Building in Charleston, during the present year, one hundred dollars; for the support of the transient poor of Georgetown, eight hundred dollars, to be expended by the Commissioners of the Poor of Winyah, to be accounted for by them to the Legislature; for the salary of the Pilot of the harbor and bar of Georgetown, three hundred and twenty dollars; for aiding the support of a ferry at Elliott's Cut, two hundred dollars, subject to the order of the Commissioners of Roads for St. Andrew's Parish; for maintaining and keeping open the Roper Hospital, in Charleston, three thousand dollars, to be paid to the Medical Society, in trust for the Roper fund, to defray the expenses of the said hospital; for the support of the State Normal and High School, at Charleston, five thousand dollars, to be subject to the draft of the Commissioners of Free Schools of St. Philip's and St. Michael's, and to be applied by them as prescribed by law; for the support of the Catawba Indians, eight hundred dollars, if so much be necessary.

Extraordinary
expenditures.

IX. For Extraordinary Expenditures: For James L. Pettigru, Esquire, for salary for the year eighteen hundred and sixty-two, as Commissioner to make a Code of the Statute Law of South Carolina, five thousand dollars; and, also, for the services of one assistant, two thousand dollars, to be paid to him as directed by an Act entitled "An Act further to provide for a Code of the Statute Law of South Carolina," ratified on the nineteenth day of December, eighteen hundred and fifty-nine; for the salary of the Commissioner of the New State House, one thousand dollars; for the Marine School of Charleston, six thousand dollars, to be paid to the Charleston Port Society, as directed by the report and resolution as adopted at the present session; for the payment of the expenses incurred by the Commissioner of the Code for printing, stationery and postage, as provided by an Act entitled "An Act further to provide for a Code of the Statute Law of South Carolina," ratified on the nineteenth day of December, in the year of our Lord one thousand eight hundred and fifty-nine, six hundred dollars, if so much be necessary, to be paid on the draft of the Commissioner, countersigned by the Chairmen of the Committee of the Judiciary of the two branches of the General Assembly; that the Treasurer of the Lower Division be, and is hereby, authorized and instructed to pay, out of the undrawn appropriation "for the military contingencies, one hundred thousand dollars, to be drawn and accounted for as directed by the Legislature," ordered by an Act entitled "An Act to make appropriations for the year commencing in October, one thousand eight hundred and fifty-nine," ratified on the twenty-second day of December, one thousand eight hundred and fifty-nine, the following sums, and as follows, to wit: To the Bank of the State of South Carolina, the sum of fourteen thousand seven

hundred and thirty-eight dollars, being an amount advanced by said bank for the purchase of arms; to the Bank of the State of South Carolina, the sum of sixteen thousand four hundred and forty-six dollars forty-four cents, being an amount advanced by said bank to defray the expenses of a Convention of the people of the State of South Carolina; to the Bank of the State of South Carolina, the sum of seventy-one thousand seven hundred and sixteen dollars eighty cents, being an amount advanced by said bank to defray the expenses under an Act entitled "An Act for the establishment of a Coast Police for the State of South Carolina," ratified on the fifteenth day of January, one thousand eight hundred and sixty-one; and that the overplus of the sums so ordered to be paid be paid out of any moneys in the Treasury unappropriated; and that an Act entitled "An Act for the establishment of a Coast Police for the State of South Carolina," ratified on the fifteenth day of January, one thousand eight hundred and sixty-one, be, and the same is hereby, repealed; for the relief of the sufferers by the late fire in the city of Charleston, thirty thousand dollars, to be paid by the Treasurer of the Lower Division to the City Council of Charleston; to the heirs of Josiah H. Smoot, two thousand three hundred and thirty-seven dollars and twenty-five cents, to be paid to them as provided for in the report adopted at the present session of the General Assembly; to defray the expense incurred for maps of the boundary line between this State and the State of North Carolina, two hundred dollars, to be paid to James L. Pettigru by the Treasurer of the Lower Division; two thousand two hundred and fifty dollars, if so much be necessary, for the balance of the salary of the late F. H. Wardlaw, one of the Associate Judges of the Appeal Court, for the year eighteen hundred and sixty-one, to be paid to his widow, Mrs. Ann G. Wardlaw, by the Treasurer of the Upper Division.

A. D. 1861.

In the Senate House, the twenty-first day of December, in the year of our Lord one thousand eight hundred and sixty-one, and in the eighty-sixth year of the sovereignty and independence of the State of South Carolina.

WILLIAM D. PORTER, President of the Senate.

JAMES SIMONS, Speaker House of Representatives.

AN ACT TO AMEND AND SUSPEND CERTAIN PORTIONS OF THE MILITIA AND PATROL LAWS OF THIS STATE. No. 4568.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That all free white males, between the ages of sixteen and sixty, shall be liable to perform ordinary militia duty during the existence of the war between the Confederate States and United States of America, except the persons exempt from all militia service, and except the members of both branches of the General Assembly and their respective officers; all regularly officiating clergymen; all

Military duty,
persons liable
to do.

Exemptions.

A. D. 1861.

regular licensed practicing physicians; the Faculty and officers in the South Carolina College; Professors in other incorporated colleges, and in Theological Schools; schoolmasters having under their tuition not less than fifteen scholars; and all students at schools, academies and colleges; all branch pilots; one white man to each established ferry, toll bridge and toll grain mill, if actually kept by such white man; the President, Cashier and Teller of the several banks of the State; the officers and men of the City Guard, and the Fire Departments of Charleston and Columbia; the officers and employees of all railroad companies; the Superintendent and Keeper of the Lunatic Asylum; the Keepers of the Arsenals of the State; all persons holding office under the Confederate States, and the officers and cadets of the Military Academy; and that all said males, from the ages of sixteen to sixty, shall be liable to perform patrol duty, and shall be subject to be ordered by the Governor and Commander-in-Chief to perform military service in their respective brigades.

Suspension of
48th Section
Militia Act, as
to length of
service.

II. That so much of the one hundred and forty-eighth Section of an Act entitled "An Act to reduce all Acts and clauses of Acts in relation to the militia of this State to one Act, and to alter and amend the same," as limits the term of service of the militia, when drafted, to three months within this State, and two months out of the State, be, and the same is hereby, suspended during the said war; and that during such suspension the Commander-in-Chief may call out any portion of the militia of this State, from the ages of eighteen to forty-five, (except those exempt by this Act from militia service,) for twelve months, unless sooner discharged, for service either in this State or any of the Confederate States: *Provided*, That on his ordering a draft, the companies (beat or volunteer) of the militia shall be allowed to furnish the quota required of them by volunteers for actual service.

Proportion
liable to draft.

III. That the companies shall furnish their quotas of volunteers or drafted men in proportion to their relative number liable to a draft by the provisions of this Act, and be exempted from such call to the extent of the number of volunteers they have already furnished, and who are then in the military service of this State or the Confederate States, or who shall have served at least twelve months in such service: *Provided*, That no company shall be reduced by drafting below the number of fifteen: *And provided, further*, That it may be lawful for any one so drafted to tender to the commander of the regiment a capable substitute, and upon his being received, the person drafted shall be excused from going into actual service, but shall be liable to perform ordinary militia and patrol duty.

Organization.

IV. That all troops thus raised, whether volunteers or drafted men, for the term of twelve months' service, shall be organized by the Commander-in-Chief into companies and regiments, battalions or squadrons, by ordering, forthwith, elections for their company and field officers, conforming in said organizations to the laws, rules and regulations of the Confederate States. And all volunteers for a longer period of service shall be separately organized in a similar manner.

V. That all Acts prohibiting the reduction of beat companies

below the number of fifty men, and all Acts imposing penalties for default of service in the militia organization of this State, be, and the same are hereby, suspended as to all persons who may volunteer in the service of this State or the Confederate States, in the war aforesaid.

VI. That all Acts and clauses of Acts prohibiting persons from being eligible to office, by reason of not holding commissions in any battalion, regiment, brigade and division, be, and the same are hereby, suspended during the said war, and that any person, during such suspension, shall be eligible to any of said offices, and that all laws requiring more than ten days' notice for any military election be also suspended during the same time; and that any time within ten days shall be sufficient notice for any such election in the militia and volunteer service of this State; and in default of such election, the Governor shall forthwith fill the office by appointment.

VII. That all persons required to perform ordinary militia duty shall be called out for company muster and drill at least once in every two weeks; and, in case of default, to be liable to the same fines and forfeiture now provided by law.

VIII. That the commissions of all officers of beat companies, battalions and regiments of the militia of this State, not called into actual service, and those in actual service, when relieved, be, and the same are hereby, vacated as soon as new elections can be had to fill said offices so vacated, except the volunteer corps of the city of Charleston, attached to the fourth brigade; and all volunteer companies in the State, not now having the number of officers, non-commissioned officers and privates required by law, except those now in actual service, or already ordered into actual service, be, and the same are hereby, dissolved; and that all persons liable to do ordinary militia duty under this Act, and patrol duty under the provisions of this Act, or under any Act, shall be entitled to vote in all company, battalion and regimental elections.

IX. That upon any proclamation or order from the Governor and Commander-in-Chief calling for troops, the commandant of each militia regiment not excepted in this Act shall forthwith assemble his command at the usual muster ground, and proceed to execute the requisitions thereof; and that officers commanding beat or volunteer militia companies, and if there be no such commissioned officers, then some suitable person appointed by the commandant of the regiment, shall forthwith take, or cause to be taken, a census of all persons liable to militia duty under this Act, residing within their respective beats, and make out a roll of the same, and also separate rolls of those between eighteen and forty-five, and of those who have volunteered from said beats, and are in the service of this State or the Confederate States, and shall return copies of said rolls to the commandant of the regiment and to the Adjutant and Inspector General of the State; and for default in making said returns within ten days after being required to do so by the order of any superior officer, they shall each be liable to a fine of fifty dollars, to be imposed and recovered as provided for by the militia laws of this State.

X. That immediately after the passage of this Act, it shall be

A. D. 1861.

Beat companies, Acts against reduction of, suspended.

Eligibility to office, Acts prohibiting persons from, suspended.

Musters and drills.

Commissions vacated.

Volunteer companies dissolved.

Requisitions of this Act, how complied with.

A. D. 1861.

Elections to
office.

the duty of the Adjutant and Inspector General, and he is hereby required, to issue an order for elections to fill all offices in the various companies and regiments, battalions or squadrons, of the militia of this State, which order shall be published in the newspapers of this State, and thereupon the commanding officers of said corps shall extend said order to their respective commands; and said elections shall be conducted in the manner provided by the militia laws of this State, and in the time required by said order; and the managers of said elections shall forthwith return the result thereof, in writing, to the commandant of the regiment, who shall immediately transmit a copy of the same to the Adjutant and Inspector General.

Separate beats,
where to be or-
ganized.

XI. That the corporate limits of any town containing not less than five hundred nor more than two thousand five hundred inhabitants, including slaves and free persons of color, shall constitute a separate militia beat; and it shall be the duty of the inhabitants of all such towns corporate, who are liable to militia duty under the provisions of this Act, to organize themselves into a company, to be attached to the regiment in which such town is situate, unless any such town is divided by regimental lines, in which case the company therein organized may elect the regiment to which they shall be attached; and the companies thus organized shall be subject to all the provisions of this Act, as other militia beat companies.

Companies ac-
cepted under
resolution of
extra session
not subject to
call or draft.

XII. That the companies which have been or may be accepted by the Governor, under the resolution passed at the called session of this General Assembly, shall not be subject to the call for volunteers, or to the draft hereinbefore provided for, but shall be organized by him, in pursuance of said resolution, into regiments, battalions, or squadrons.

Assistant
Quartermas-
ters and Com-
missaries.

XIII. That the Quartermaster General and Commissary General of this State shall each be entitled to one assistant, with the rank and pay of Captain of Infantry, and as many other assistants, with the pay of First Sergeant, as the Governor may deem necessary for the efficient administration of their departments; and that the Adjutant and Inspector General shall be allowed, if deemed necessary by the Governor, to employ a Clerk, at a sum not exceeding sixty dollars per month.

Clerk allowed
Adjutant and
Inspector Gen-
eral.Pee Dee Le-
gion, exemp-
tion of.

XIV. That the troops raised within the limits of the fourth military division, and organized under the name of the Pee Dee Legion, be, and the same are hereby, exempted from the operation of this Act: *Provided*, They shall, within twenty days from the ratification hereof, file in the office of the Adjutant and Inspector General a roll of such companies as may be willing to be mustered into Confederate service, under the provisions of an Act of the Confederate Congress entitled "An Act to provide for local defense and special service," approved the twenty-first day of August, in the year of our Lord one thousand eight hundred and sixty one; and shall, in the meantime, continue in the service in which they are now employed: *And provided*, That such troops as shall not be mustered into the Confederate service, as aforesaid, shall be subject to all the provisions of this Act.

XV. That every person liable to military duty under the provis-

ions of this Act, who shall make default when summoned into actual service, shall be liable to such punishment, short of death, as may be imposed by a court martial, according to the Articles of War of the Confederate States; said Court to be convened by the officer commanding the regiment to which the delinquent shall belong, who is hereby authorized to order said Court, in conformity with the usages of the army of the Confederate States.

A. D. 1861.
Defaulters,
how punished.

XVI. That all Acts and clauses of Acts in relation to the militia of this State, consistent with the provisions of this Act, shall continue of full force and effect; and all Acts and clauses of Acts inconsistent with the provisions of this Act be, and the same are hereby, suspended during the continuance of this Act.

Consistent Acts
remain of force.

Inconsistent
Acts repealed.

In the Senate House, the seventh day of December, in the year of our Lord one thousand eight hundred and sixty-one, and in the eighty-sixth year of the sovereignty and independence of the State of South Carolina.

WILLIAM D. PORTER, President of the Senate.
JAMES SIMONS, Speaker House of Representatives.

AN ACT TO AFFORD AID TO THE FAMILIES OF SOLDIERS. No. 4569.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That not less than five nor more than ten freeholders, in each tax district in the State, shall be appointed, as hereinafter provided, who shall be called the "Soldier's Board of Relief," who shall continue in office during the existing war, and for four months thereafter; and they are hereby authorized to fill up all vacancies in their respective Boards, arising from any cause, by appointment of said Boards; and they shall meet upon the call of the Chairman, as well as by their own resolution; a majority of each Board shall constitute a quorum.

Soldiers' Board
of Relief.

II. That the said Boards shall have power and authority to levy a tax on the tax-payers of their respective tax districts, annually, and but once in each year, on the property taxed by the State, to be paid during that year, and none other, to raise a sum of money sufficient to afford aid and relief to the wives and children of such persons, in their respective tax districts, who have now, or may hereafter, volunteer in the military service of this State or the Confederate States of America, and while in such service, as may desire the same, and whom the said Boards, respectively, may deem to be proper objects of this aid and relief; but the said tax shall not exceed forty per centum on the general State tax in any one year.

Tax, power to
levy.

III. That the said Boards, respectively, shall deliver to the Tax Collectors of their respective tax districts a written order to collect such per centage on said general tax as they may decide on, at least one month before the tax returns of the State are made to the said Tax Collectors; that the said Boards, respectively, shall take all proper means to ascertain whether the applicants for aid and relief

Tax Collectors
to be furnished
orders to col-
lect tax.

Relief, how
dispensed.

A. D. 1861.

are proper recipients thereof, according to the true intent and meaning of this Act; and when they have decided in favor of any such applicant, they shall direct their Treasurer to pay, in money, to such person, the sum so allowed, to be paid in advance, monthly or quarterly, as said Board may direct; but if any one of the said Boards shall deem it best to purchase provisions or clothing, in quantity, (which they are hereby empowered to do,) then the said Board may order and direct the said payment to be made from such purchased articles.

Secretary and Treasurer of Boards.

IV. That the said Boards shall each appoint a person Secretary and Treasurer, of their own body or otherwise, as they may decide, who shall keep a record of all transactions, be responsible to said Board, and give bond, payable to said Board, in such sum, and with such sureties, as the said Board may direct, for the faithful performance of the duties of his office.

Tax, when to be collected.

V. That the State Tax Collectors of said tax districts shall collect the tax directed by said Boards at the same time that they collect the said State tax, and shall pay the same over to the Treasurers of said Boards, respectively, when collected.

Manner of collecting tax.

VI. That the said Tax Collectors shall pursue the same mode and manner in collecting said tax as they now do respecting other District taxes, and shall be liable to all the penalties respecting said tax as they now are respecting other District taxes; and the Sheriffs of the Judicial Districts with whom executions may be lodged for the collection of said tax, shall be liable to all the penalties they now are by law, respecting the other District taxes.

Receipts and expenditures, Boards to make returns of.

VII. And said Boards shall make returns of their receipts and expenditures to the Courts of Common Pleas of their respective Districts, at the Fall Term thereof, and shall be liable to the same penalties for default or neglect of duty as the other District Boards are now liable to, according to law.

Boards, by whom appointed.

VIII. That each of the said Boards shall consist of not more than ten, nor less than five persons, to be appointed by Joint Resolution of the General Assembly, to continue in office for one year.

In the Senate House, the twenty-first day of December, in the year of our Lord one thousand eight hundred and sixty-one, and in the eighty-sixth year of the sovereignty and independence of the State of South Carolina.

WILLIAM D. PORTER, President of the Senate.
JAMES SIMONS, Speaker House of Representatives.

NO. 4570. AN ACT TO PROVIDE MORE EFFICIENT POLICE REGULATIONS FOR THE DISTRICTS ON THE SEA BOARD.

Police Court.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That for each of the Districts of Beaufort, Colleton, Charleston, Georgetown and Horry, a Police Court is hereby constituted, to continue so long as a foreign enemy has possession of any part

of the coast of South Carolina, whose jurisdiction shall extend to all matters of criminal and police regulation over the slaves and free persons of color in said Districts: *Provided*, That this Act shall have no operation within the corporate limits of the city of Charleston.

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II. That within the limits of these Districts, respectively, the said Courts shall have full power, in regard to slaves and free persons of color, to establish such regulations, and inflict such punishments as they, in their discretion, may deem that the exigencies of the time require, any law now existing to the contrary notwithstanding; and the action of said Courts, in such cases, shall be final and without appeal; and said Courts shall have power to impose penalties, and to issue executions, when not exceeding twenty dollars, for the collection thereof, upon all persons who shall be summoned, under the provisions of this Act, to do police duty, and shall fail to perform the same.

Powers of.

III. That said Police Courts shall consist of a Provost Marshal and four other persons, to be appointed by the Governor, for each of the Districts above named, respectively, to be selected from a list of persons to be recommended to him by the Senators and Representatives in the General Assembly for that District; the Provost Marshal to preside over said Court, and to be charged with the execution of its judgments.

Courts, of
whom com-
posed.

IV. That the Provost Marshal shall have authority to appoint as many Deputy Marshals as he may deem necessary, within his District, whose duty it shall be to execute such orders as may be given by their chief, and such Deputy Marshals may call to their assistance such number of citizens, not on military duty, as may be required.

Deputy Mar-
shals.

V. That the said Provost Marshals shall have a general supervision of the patrol of their Districts, respectively, and may call out the same, or any part thereof, at any time, and prescribe the duties to be performed by them, and shall direct and control, through their proper officers, the entire militia of their respective Districts, for police purposes: *Provided*, Said militia are not at the time under orders to serve against the public enemy.

Patrol, Provost
Marshals to
have control of.

VI. That said Provost Marshals may themselves, or by their Deputies, arrest such white persons, within their Districts, respectively, as the said Provost Marshal may consider dangerous to the community, and a commitment under the hand of such Provost Marshal, setting forth the cause of arrest and imprisonment, shall be sufficient authority to hold such persons until discharged by order of a Judge, at Chambers, or in due course of law, at the next term of the Court of General Sessions within said District; and the Provost Marshals and their Deputies shall be *ex officio* Magistrates in their respective Districts, except for the trial of small and mean causes.

Arrests, how to
be made.

VII. That whenever the Provost Marshal, or any Deputy Marshal under his authority, shall deem it expedient to retain upon special police duty any citizen or citizens more than two days, consecutively, the Provost Marshal may, at his discretion, give to each person so employed a certificate of service, which shall entitle the holder to such sum of money as may be certified by the Provost

Special Police,
compensation
of.

A. D. 1861.

Marshal, not exceeding two dollars per day for the time such person has been on duty.

Deputy Marshals, compensation of.

VIII. That the Deputy Marshals shall be entitled to compensation at the rate of three dollars per day while engaged on duty; and all moneys necessary to carry the provisions of this Act into effect, in each District, shall be raised by an assessment upon the general tax of such District; and the Tax Collectors of each of said Districts are hereby required to assess and collect, annually, from the tax-paying citizens of his or their Districts, such sums as the Police Courts hereby established shall direct; and the Provost Marshal of each district shall render an account, annually, of his receipts and expenditures to the Treasurer of the Lower Division.

Owners and overseers required to aid.

IX. That all owners or overseers of negroes, or other persons in control of slaves, are hereby required to give their aid and assistance to carry out the orders of the Provost Marshal of the District, in regard to all matters of police regulation relating to such slaves; and, upon failure to do so, shall be subject to indictment for misdemeanor, or attachment.

Governor may extend this Act.

X. That the provisions of this Act may be extended to other Districts of this State by proclamation of the Governor.

In the Senate House, the twenty-first day of December, in the year of our Lord one thousand eight hundred and sixty-one, and in the eighty-sixth year of the sovereignty and independence of the State of South Carolina.

WILLIAM D. PORTER, President of the Senate.
JAMES SIMONS, Speaker House of Representatives.

No. 4571. AN ACT TO EXTEND RELIEF TO DEBTORS, AND TO PREVENT THE SACRIFICE OF PROPERTY AT PUBLIC SALES.

Mesne or final process, unlawful to serve or execute.

1. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That it shall not be lawful for any officer of this State to serve or execute any mesne or final process of any of the Courts of this State for the collection of money, until after the expiration of the first session of the next General Assembly of this State, except in cases provided for in the second Section of this Act, and except process for military fines.

Fraudulent disposition of property, remedy for.

II. That if the plaintiff, in any such mesne or final process, or his agent or attorney at law, shall make affidavit before some one of the Clerks of the Courts of Common Pleas and General Sessions of this State, that his debtor has absconded, or is about to abscond, or that such debtor is removing, or is about to remove his property beyond the limits of this State, or is fraudulently disposing of the same, which affidavit shall be attached to such mesne or final process, before any action thereon, the said plaintiff in such mesne or final process may require the defendant to give a bond, payable to such plaintiff, in double the amount of the sum sued for, or of the amount of the judgment upon which such final process may be

based, with security, to be approved by the Clerk of the Court of Common Pleas of the District in which such defendant may reside or may be taken, conditioned for the delivery of the property of such debtor, liable to such process, or so much thereof as may be sufficient to satisfy the plaintiff's demand, to the Sheriff of said District, or for the surrender of the body of the defendant, according to the exigency of such process, at the time at which judgment may be obtained on such debt in cases of mesne process, or at the time limited for the operation of this Act in cases of final process: *Provided, however,* If such bond and security shall not be given within ten days after the defendant shall be served with a copy of the said affidavit, such defendant shall be deprived of the benefit of this Act; and, in the absence of defendant, a copy of such affidavit left at his place of residence shall be equivalent to personal service.

A. D. 1861.

III. That it shall be the duty of the Clerk before whom such affidavit may be made, forthwith to cause a copy thereof to be personally served on the defendant, or left at his residence, with a notice requiring him to give the bond and security required by the second Section of this Act within ten days from the date of such service, and the Sheriff shall, immediately upon the filing of such affidavit, proceed to arrest the defendant, or take a levy of property, according to the exigency of the process to which such affidavit may be attached.

Clerk, duties of.

IV. That all sales authorized or directed by any decree, rule or order of any of the Courts of this State, shall be stayed until the same shall be renewed by one of the Judges of the Court making such decree, rule or order, either in open Court or at Chambers.

Sales, stay on all ordered.

V. That the operation of the Statute of Limitations be, and the same is hereby, suspended during the period in which this Act is of force, so far as applicable to causes of action coming within the meaning of this Act.

Statute of limitations, partial suspension of.

VI. That while this Act remains in force, debts due on open accounts, and other demands not heretofore bearing interest by law, shall bear interest at the rate of seven per centum per annum.

In the Senate House, the twenty-first day of December, in the year of our Lord one thousand eight hundred and sixty-one, and in the eighty-sixth year of the sovereignty and independence of the State of South Carolina,

WILLIAM D. PORTER, President of the Senate.

JAMES SIMONS, Speaker House of Representatives.

AN ACT TO ENABLE VOLUNTEERS IN THE MILITARY SERVICE TO EXERCISE THE RIGHT OF SUFFRAGE. No. 4572.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That during the continuance of the existing war between the United States and Confederate States of America, the members of all volunteer companies made up of citizens of this State, including

Suffrage to be exercised by citizens in military service—mode of holding election.

A. D. 1861.

all field and staff officers, who shall be absent from home in the military service of the country, upon the happening of any general or District election, shall have the same right of suffrage as if present in their respective election Districts; and to enable them to exercise the said right, it shall be the duty of the commissioned officers, or a majority of those present, on duty, commanding any such company of volunteers, after first being duly sworn, to manage the same fairly and impartially, according to law, to open a poll from twelve o'clock, noon, until two o'clock in the afternoon, in their respective companies, on the day fixed for any election, and to receive the votes of all volunteers, including field and staff officers, who are qualified to vote under the Constitution and laws of this State.

Managers,
duty of.

II. That immediately after closing the polls it shall be the duty of the Managers to count the ballots and make a statement of the result, certified under their hands, and dispatch the same, with a list of the names of the voters, under sealed cover, either by mail or by a special messenger, as they shall deem best, as follows: That is to say, if the election be for members of Congress, the certificate, together with the ballots cast, to the Governor of the State or to the Secretary of State, and if for members of the General Assembly, or any District officer, the certificate of the result to the Clerks of the Courts of the respective Judicial Districts; and it shall be the duty of the said Clerks to receive and be responsible for such returns, under the penalties provided by law for neglect of official duty, until delivered to the Managers of Elections as herein provided.

District Man-
agers, duty of
under Act.

III. That it shall be the duty of the managers of the several election Districts to re-assemble at the Court House, or other place appointed by law for counting the ballots, on the first Saturday next ensuing any such election, at which time and place it shall be the duty of the Clerks of the Courts, under the penalties aforesaid, to deliver to the managers the returns, if any have been received by them from the army; and the said managers shall forthwith proceed to aggregate the returns thus received with the returns which shall have been previously made by them from the District precincts, and declare the election as is now provided by law. And if, upon the re-assembling of the managers for the purpose aforesaid, it shall happen that no returns, or only partial returns, have been received from the army, then it shall be their duty to declare the election according to the result of the ballots cast at their District precincts, and the returns, if any, received.

Repugnant
Acts suspend-
ed.

IV. That all Acts and parts of Acts repugnant to this Act, be, and the same are hereby, suspended in their operation for and during the continuance of the war between the United States and Confederate States of America.

In the Senate House, the twenty-first day of December, in the year of our Lord one thousand eight hundred and sixty-one, and in the eighty-sixth year of the sovereignty and independence of the State of South Carolina.

WILLIAM D. PORTER, President of the Senate.
JAMES SIMONS, Speaker House of Representatives.

AN ACT TO AUTHORIZE THE CITY COUNCIL OF CHARLESTON TO
ISSUE AND PUT IN CIRCULATION NOTES RECEIVABLE IN TAXES
OR DUES TO THE CITY.

A. D. 1861.

No. 4573.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the City Council of Charleston is hereby authorized to issue and put in circulation notes or certificates, in the form hereinafter prescribed, of the denomination of one, two and three dollars, and such small bills as the City Council may direct, which notes or certificates, so to be issued, shall be receivable in payment of taxes and other dues to the City of Charleston, for the sums therein expressed; the whole amount of such notes or certificates not to exceed the sum of three hundred thousand dollars: *Provided*, That the amount of bills under the denomination of one dollar shall, at all times, be equal to one-third of the amount issued by said City Council under this Act. And the said notes shall be in the following form, viz: "This note shall be received in payment of taxes and other dues to the City of Charleston, for _____," and shall be signed by the Mayor and Clerk of Council, or such other person or persons as the Mayor may appoint for that purpose, and shall be redeemed, on demand on the Mayor, in notes of any of the Banks of this State.

Small bills to
be issued by
City Council of
Charleston.

II. In case of the refusal or neglect of the Mayor and City Council to redeem any of the said bills on demand, as hereinbefore provided, the holder shall be entitled to the same remedies at law against the City of Charleston as he would be entitled to against any banks in this State, in case of their refusal to redeem their notes.

Refusal to re-
deem penalties
for.

III. That the provisions of this Act shall cease and determine on the first day of January, which shall be in the year one thousand eight hundred and sixty-five.

Limitation of
Act.

In the Senate House, the twenty-first day of December, in the year of our Lord one thousand eight hundred and sixty-one, and in the eighty-sixth year of the sovereignty and independence of the State of South Carolina.

WILLIAM D. PORTER, President of the Senate.

JAMES SIMONS, Speaker House of Representatives.

AN ACT TO AMEND AN ACT ENTITLED "AN ACT TO PROVIDE A
PATROL AND MILITARY GUARD FOR THE CITY OF CHARLESTON,
AND FOR OTHER PURPOSES." No. 4574.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That an Act entitled "An Act to provide a patrol and military guard for the city of Charleston, and for other purposes," ratified on the twenty-eighth day of January, in the year of our Lord one thousand eight hundred and sixty-one, be, and the same is

Former Act
extended.

A. D. 1861.

Resignations and withdrawals.

hereby, extended and made of force for and during the continuance of the existing war between the United States and the Confederate States of America.

II. That no person enrolled as a member of the Patrol and Military Guard, according to the provisions of the said Act, shall be permitted to resign or withdraw from the company to which he is attached, without giving six months' previous notice of his intention to do so, unless by the written consent of the officers commanding the company from which he proposes to withdraw: *Provided*, That no company shall increase, by election, the number of active members they now have on the enrollment last returned to the chief, under the provisions of the said Act of eighteen hundred and sixty-one, and that they shall not elect any more members during the year than shall be necessary to fill vacancies occasioned by death, resignation, or otherwise, so as to keep up the number of men now returned.

In the Senate House, the twenty-first day of December, in the year of our Lord one thousand eight hundred and sixty-one, and in the eighty-sixth year of the sovereignty and independence of the State of South Carolina.

WILLIAM D. PORTER, President of the Senate.

JAMES SIMONS, Speaker House of Representatives.

No. 4575. AN ACT TO PROVIDE FOR THE PAYMENT BY THE STATE OF THE WAR TAX OF THE CONFEDERATE STATES, AND FOR THE COLLECTION OF THE SAME FROM THE TAX PAYERS IN THIS STATE.

Confederate war tax, how to be paid.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That when the chief Collector of the Confederate States for South Carolina shall have completed the assessments and tax returns in this State, and the sum total of the said War Tax payable by the people of the State shall be made known, it shall be the duty of the Treasurer of the Lower Division and the President of the Bank of the State of South Carolina, to deduct from the sum total of the tax as aforesaid ten per centum, as provided by the Act of Congress of the Confederate States, and to pay the amount of the residue thus ascertained into the Treasury of the Confederate States in such manner as the Secretary of the Treasury of the Confederate States may direct, on or immediately before the first day of April, one thousand eight hundred and sixty-two, as fixed by the Act of Congress aforesaid, or such other day as may be appointed by authority of the Confederate States.

Funds, how to be provided.

II. That to provide the funds to pay the tax as aforesaid, the Treasurer of the Lower Division and the President of the Bank of the State of South Carolina are hereby authorized and directed to borrow an amount of money equal to the net sum of the said tax, and to pledge the faith and funds of the State of South Carolina for the payment of the said loan and the interest to accrue thereon ;

and jointly to sign, on behalf of the State, the contracts made for the said loan.

A. D. 1861.

III. That it shall be the duty of the Treasurer of the Lower Division and the President of the Bank of the State, on making payment of the tax as aforesaid, to procure from the chief Collector of the Confederate States the books containing the tax returns for the said War Tax, of all the tax districts in South Carolina, and to distribute and deliver the same to the several Tax Collectors of this State.

Books of tax returns to be distributed.

IV. That each Tax Collector shall execute his bond, with three good sureties, to be approved and deposited as bonds of Tax Collectors are now required by law, in a sum equal the amount of the general tax for his collection district for the year one thousand eight hundred and sixty-one, which said bonds shall be executed and deposited with the proper officer on or before the first day of April next. And in case any Tax Collector shall fail to execute his bond, in manner aforesaid, by the time aforesaid, the Governor is hereby authorized and required to appoint a Collector in the place of the Tax Collector so making default; and the person so appointed shall execute his bond, in three times the amount of the general tax of his Collection District for the year last preceding his appointment, with three good sureties, to be approved and lodged in the proper office, as now required by law of Tax Collectors, within two weeks after the date of his appointment, and before he enters upon the duties of his office.

Bonds, Tax Collectors to give.

Collectors to be appointed in case of neglect to execute bonds.

V. That it shall be the duty of the Tax Collectors to open their books to receive payment of the said War Tax, on a day not later than the fifteenth day of June, one thousand eight hundred and sixty-two, and to keep them open until the last day of July following, exclusive, and to give notice of the same, in the same manner as in the collection of the taxes of the State. And all tax-payers who shall make payment on or before the said last day of July shall be entitled to a deduction of five per centum from the amount of their tax; and the Tax Collectors are hereby authorized and required to make the said abatement.

Books to be opened not later than 15th June.

VI. That it shall be the duty of the Tax Collectors to re-open their books on the fifteenth day of October, one thousand eight hundred and sixty-two, and keep them open until the fifteenth day of November following, giving the same public notice as before, to receive the taxes of such persons as may not have paid on or before the last day of July aforesaid: *Provided*, That no abatement shall be made of the full sum assessed of the taxes to be paid during the second opening of the books, as herein provided.

Books, when to be re-opened.

VII. That the tax to be levied and collected, as aforesaid, shall be the same in amount and in lieu of the war tax of the Confederate States levied under the Act of Congress entitled "An Act to authorize the issue of Treasury Notes and to provide a War Tax for their redemption," approved the nineteenth day of August, one thousand eight hundred and sixty-one, and the Tax Collectors shall collect the same in conformity with the returns and amounts set forth in the books of Tax Collectors of the Confederate States, furnished them by the Treasurer of the Lower Division and the President of the Bank of the State of South Carolina, as hereinbefore provided.

Tax to be the same as Confederate war tax.

A. D. 1861.

Compensation
to Collectors.

VIII. That the compensation to be allowed to Tax Collectors for the collection of the tax aforesaid, and the discharge of all the duties prescribed in this Act, shall be as follows, to wit: Two per centum on the first ten thousand dollars of the sums collected, and one-half of one per centum on the remainder of the same: *Provided*, That in no case shall the compensation be less than three hundred dollars nor more than six hundred dollars: *And provided*, That the compensation of the Tax Collector for the Parishes of St. Philip and St. Michael shall be two thousand dollars.

Returns, when
and to whom to
be made.

IX. That returns shall be made as usual by the Tax Collectors to the Treasurer of the Upper Division and the Treasurer of the Lower Division, within thirty days after the respective dates in this Act mentioned for the closing of the books, and the moneys collected paid into the Treasury within the same time.

Tax to be
drawn from the
Treasury, and
by whom.

X. That the Treasurer of the Lower Division and the President of the Bank of the State of South Carolina are hereby authorized to draw from the Treasury of the State all sums deposited therein as the produce of the war tax aforesaid, and apply the same, as it may be paid in, to the gradual reduction and final extinguishment of the loan made by them, both of the principal and interest thereon: *Provided, however*, That no more of the said moneys shall be drawn than is necessary to discharge the principal and interest of the debt.

Existing pen-
alties made of
force.

XI. That all existing penalties and forfeitures imposed by law, and all other provisions made by law for the enforcement of the collection of State taxes, are hereby adopted and applied to the collection of taxes under this Act, and the said taxes shall be payable in the medium provided by law for the payment of State taxes.

In the Senate House, the twenty-first day of December, in the year of our Lord one thousand eight hundred and sixty-one, and in the eighty-sixth year of the sovereignty and independence of the State of South Carolina.

WILLIAM D. PORTER, President of the Senate.
JAMES SIMONS, Speaker House of Representatives.

No. 4576. AN ACT TO AUTHORIZE THE ISSUE OF STOCK, TO THE AMOUNT OF ONE MILLION EIGHT HUNDRED THOUSAND DOLLARS, FOR THE MILITARY DEFENCE OF THE STATE, AND FOR OTHER PURPOSES.

Military de-
fense, loan for
authorized.

Whereas it is necessary to raise the sum of one million eight hundred thousand dollars, by loan, for the military defence of the State; therefore,

By whom to
be made.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the President of the Bank of the State of South Caro-

lina and the Treasurer of the Lower Division shall be, and they are hereby, authorized and empowered to sell, for ready money, one million eight hundred thousand dollars of the stock of this State, bearing seven per cent. interest, at such times, and in such sums, as the public exigencies may require.

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II. That the Treasurer of the Lower Division shall, from time to time, make out certificates of stock, bearing an interest of seven per cent., payable semi-annually, in the names of such persons or corporations, and in such sums, as may be required by those purchasing said stock, not exceeding in all the said sum of one million eight hundred thousand dollars.

Stock certificates, by whom issued.

III. That the Treasurer of the Lower Division shall open a set of books, and shall enter therein, in proper order, the names of all persons and corporations who shall become purchasers of the stock hereby created and directed to be issued, and shall conduct the business in the same manner, and with the same checks, as has been heretofore done in relation to other stock issued by this State.

Books of registry.

IV. That the following shall be the form of the certificates of stock hereby authorized to be issued:

Form of certificate.

STATE OF SOUTH CAROLINA:

No. , Charleston,

Be it known that there is due from the State unto , or assigns, the sum of , bearing interest at the rate of seven per cent. per annum, from the day of , eighteen , payable semi-annually, and not subject to redemption before the day of , eighteen , created by virtue of an Act to authorize the issue of stock to the amount of one million eight hundred thousand dollars, for the military defence of the State, and for other purposes, passed in December, one thousand eight hundred and sixty-one; which debt is transferable only by the proprietor, or proprietors, or their attorneys, in the books of the Treasury in Charleston.

President of the Bank.

Treasurer of the State of South Carolina.

V. That any certificate of stock issued under the authority of this Act shall be countersigned by the President of the Bank of the State of South Carolina.

Counter-signed.

VI. That the interest on the said stock shall be paid semi-annually, on the first day of July and the first day of January, in each year, at the Treasury of the Lower Division.

Interest, when payable.

VII. That the said stock, so to be issued, shall be redeemable as follows: One hundred thousand dollars on the first day of July, in the year eighteen hundred and sixty-seven, and one hundred thousand dollars on the first of July in each succeeding year thereafter until the whole amount be paid; and the certificates to be issued shall conform to this arrangement, so that certificates to the amount of one hundred thousand dollars shall be made payable in each year, from the first of July, eighteen hundred and sixty-seven, to the first of July, eighteen hundred and eighty-four.

Stock, when redeemable.

VIII. That the faith of the State is hereby pledged for the redemption of the stock issued under this Act, and the interest on the said stock, and the said sum of one hundred thousand dollars, so to be paid, annually, from eighteen hundred and sixty-seven to eighteen

Stock, faith of State pledged for its redemption.

A. D. 1861.

hundred and eighty-four, inclusive, shall be raised and provided for by taxation.

Sales of stock,
by whom to be
made.

IX. That the President of the Bank of the State and the Treasurer of the Lower Division be, and they are hereby, authorized to sell and dispose of the said stock, and to deposit the funds arising therefrom in the Treasury of the State, and that the Treasurer of the Lower Division be allowed, in addition to the compensation now allowed him, four hundred dollars annually to provide for the additional expense of clerk hire necessary to the proper discharge of the duties imposed by this Act.

Debt due the
State by the
Confederate
States, how
disposed of.

X. That the sum of six hundred and fifty-nine thousand two hundred and ninety-four dollars and six cents, now due to the State of South Carolina by the Confederate States of America, as appears by the report of the Honorable W. G. DeSaussure, Secretary of the Treasury, made to His Excellency the Governor, when collected from the Government of the Confederate States, or any part of the same that may be collected, is hereby ordered to be deposited in the Treasury of the State of South Carolina.

In the Senate House, the twenty-first day of December, in the year of our Lord one thousand eight hundred and sixty-one, and in the eighty-sixth year of the sovereignty and independence of the State of South Carolina.

WILLIAM D. PORTER, President of the Senate.

JAMES SIMONS, Speaker House of Representatives.

NO. 4577. AN ACT FOR REBUILDING THE CITY OF CHARLESTON, AFTER THE RECENT CONFLAGRATION.

Bonds, Gov-
ernor to issue.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the Governor of the State of South Carolina be, and he is hereby, authorized and directed, in the name of the said State, to issue bonds, certificates of stock, or other contracts, to be countersigned by the Comptroller General, not exceeding in all the sum of one million of dollars, which bonds, certificates of stock, or other contracts, shall be made payable as follows, viz: Bonds, certificates of stock, or other contracts, to the amount of two hundred and fifty thousand dollars, shall be payable on the first of January, eighteen hundred and seventy-two, and others, to the like amount of two hundred and fifty thousand dollars, shall be made payable on the first of January in each succeeding year, until the whole amount is paid, the same to bear interest at the rate not exceeding seven per cent. per annum, for the purpose of procuring a loan on the credit of the State to rebuild that portion of the city of Charleston now lying in ruins; that the said bonds, certificates of stock, or other contracts, be issued in such form, and for such sums, and the principal and interest be made payable at such times and places as shall be most effectual in procuring the said loan, either in Europe or America; and that the faith and funds of the State of South

When pay-
able.

Interest.

Bonds, form
and sums.

Carolina be, and the same are hereby, pledged to secure the punctual payment of the said bonds, certificates of stock, or contracts, with the interest thereon.

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II. That in order to effect the said loan, the Governor is authorized and directed to commission such agent or agents as the President and Directors of the Bank of the State of South Carolina shall appoint, which said agent or agents shall be empowered to receive the said bonds or contracts from the Governor and Comptroller General, and to make all such arrangements as in his or their judgment may be deemed expedient for procuring the said money, and placing it to the credit of the State, subject to the draft or order of the President of the Bank of the State of South Carolina.

Agents.

III. The President and Directors of the said Bank are authorized and required, from the moneys so borrowed, to loan to such applicants as will rebuild the portion of the city of Charleston which has been destroyed by the late fire, one million of dollars, if so much be required, under the following terms and regulations, viz:

Loans to be made.

Clause 1. As soon as the said loan, or any portion thereof, may, be effected, any applicant desiring to build upon the said burnt district may avail himself of the benefit thereof by making application to the said bank, setting forth a description and estimated cost of the building he proposes to erect, together with the situation and dimensions of the lot whereon the building is proposed to be placed, and an abstract of his title thereto; and upon the President and Directors of the said Bank being satisfied with the title, and that it is free from incumbrance, they shall direct the said lot to be valued by the Commissioners hereafter named, who shall certify their valuation to the President and Directors, whereupon the said President and Directors are authorized and instructed to loan to the said applicant one-half of the appraised value of his said lot: *Provided*, That before any loan be actually made, and money advanced to said applicant, it shall appear that work has been done to the amount of one-fifth of the estimated cost of the building; and all applications for the said loan shall be made within three years from the passing of this Act.

Loans, how to be made.

Clause 2. The applicant shall enter into bond, in a sufficient penalty, with condition to pay to the President and Directors of the said Bank of the State each principal sum which may be loaned him, in ten equal annual instalments, the first of which shall be payable within four years from the date of the bond; also, with condition to pay the interest annually; also, with the further condition that the money loaned shall, within one year from its receipt, be expended in the erection of brick or stone buildings, with roofs or coverings and cornices of incombustible material, upon the said lot of land; and, also, that the said applicant shall, in all respects, comply with the provisions of this Act; and the said bond shall be secured by a mortgage of the lot of land, which mortgage shall be in the following form: "I, do assign over to the President and Directors of the Bank of the State of South Carolina, their successors or assigns, forever, my—[here describe the estate particularly]—which estate I declare to be in mortgage for securing the repayment of such sum or sums of money as may be loaned under the Act for rebuilding the city of Charleston, passed in December,

Applicants to give bond.

Mortgage, form of.

A. D. 1861.

eighteen hundred and sixty-one, with interest, insurance, and so forth, and agree that the same may be exposed for sale, according to the provisions of the said Act, if do not repay the principal, interest, insurance, and so forth, at the several and respective times on which they shall be lawfully due and payable. Witness hand and seal, this day of , one thousand eight hundred and sixty ." On which mortgage, should the applicant be married, a renunciation of dower by the wife shall be made, according to law, and which mortgage shall be valid, to all intents and purposes, as if more formally drawn; and if the said mortgage should, at any time, become forfeited, either by failure to pay any part of the principal or interest of the said debt at the time specified, or by a breach of any of the conditions of the said bond, the President and Directors of the said Bank shall and may, after six months' notice to the obligor, his heirs, executors, administrators or assigns, either personally served or published in one or more public gazettes in the city of Charleston, proceed to sell the property mortgaged, by auction, as hereinafter provided, for the best price that can be obtained for the same, which said sale shall be advertised for three weeks previously, in one or more of the public gazettes of the city of Charleston; and the moneys arising from such sale shall be applied by the President and Directors of the said Bank in satisfaction of the said bond, and any expenses arising from the said sale, any law, usage or custom to the contrary thereof in anywise notwithstanding; and the purchaser at such sale, his heirs and assigns, shall be deemed to be seized of a good, and absolute, and legal estate, in fee simple, of the premises purchased, as against all persons whomsoever, their heirs and assigns, not claiming by or under a paramount title.

Further loans.

3. Whenever the amount first loaned shall have been expended in the erection of buildings as aforesaid, the said applicant, his heirs at law, legal representatives, or assigns, may make application for a further loan, whereupon the President and Directors of the said Bank shall cause the said Commissioners to ascertain and report whether the sum originally loaned has been applied as aforesaid, and upon the same being certified to the said President and Directors, they shall make to such applicant, his heirs at law, representatives and assigns, a further loan, equal in amount to one-half the appraised value of said lot, should so much be necessary to complete the improvements thereon, which said loan shall be taken upon the same terms, and subject to the same conditions, as the first; and a further loan shall be made, equal to one-half the value of the lot, should so much be required, to complete the improvements thereon, whenever the said Commissioners shall certify to the President and Directors of the said bank that the amount already loaned has been actually expended agreeably to the provisions of this law, and as soon as a good policy of insurance upon the property shall have been duly assigned to the bank; and the said additional loans shall be taken, subject to the same conditions, and shall be secured in the same manner as the first. And in case any part of the said one million of dollars shall remain after making the said loans, the same may be lent to any applicant, or his heirs at law, representatives or assigns, for the purpose of completing his improvements, upon such securities as may

be deemed satisfactory by the President and Directors of the said bank.

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4. The valuation of the lots upon which the said loans are to be made, and also the certificate of expenditures upon the buildings, shall be made by a Board of five Commissioners, two of whom shall be appointed in behalf of the State by the bank, and two in behalf of the city by the City Council, and a fifth to be chosen by the other four; and in case any vacancy occur, it shall be filled by the same parties who had appointed to the place so become vacant; and the said Board, or a majority, (having been first duly sworn to the faithful discharge of their duty,) shall, in all cases where a loan is to be made or increased, certify their valuation to the bank, and make such report of facts as may be necessary and proper to enable the said bank to discharge its duty to all interests concerned.

Commission-
ers of valua-
tion.

5. In all cases where the value of the lot has been loaned, it shall be the duty of the borrower to cause insurance to be effected upon the buildings thereon, and to keep the same renewed, and to assign the policy to the bank as collateral security; and in case the said borrower shall neglect so to do, the bank shall cause insurance to be effected or renewed in behalf of the President and Directors of the said bank, and shall demand from the said borrower the premium of insurance paid, and all expenses; and if the same are not paid within two months, then the bond given by such borrower shall be considered forfeited, and he shall forthwith be bound to pay up the whole of his debt, as though the instalments had all been made payable at such date of forfeiture, if the said bank shall deem it expedient to require payment of the same; and in all cases where a policy of insurance is required by this Act, the bank may accept, in lieu thereof, some other collateral security.

Insurance to
be made.

6. No loan shall be made upon any lot upon which there may be a wooden building, unless sufficient security be first given that the same shall be removed within one year from the passing of this Act.

Wooden
buildings ex-
cluded from
loan.

7. The interest to be charged on the said loans shall be fixed at as low a rate as will cover the interest to be paid by the State, with the necessary charge of remittance; but the said rates shall, in no event, exceed eight per cent. per annum.

Interest on
loans.

8. The applicant for a loan may execute a single bond, with a penalty sufficient to cover all loans which may be made to him, in virtue of the said Act, and a single mortgage to secure the said bond; and the said bond and mortgage shall be so framed by the Attorney General as to embrace all the loans which may be made under the said Act; and the mortgage, so executed, shall be deemed and taken as effectual to protect and secure all such loans as are within the amount of the penalty of the bond, in the same manner as though the whole amount, which shall be subsequently loaned, had been loaned at the date of the said bond and mortgage.

Single bonds.

9. The applicants for the said loan shall be required to furnish the bank only with an abstract of their title, and with such title deeds as may be in their possession, not recorded. They shall not be required to furnish copies of any evidence or muniment of title, or mesne conveyance, which has been recorded in the proper public office.

Abstract of
title and title
deeds unrec-
orded.

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Policy of insurance.

10. The policy of insurance which shall be required from any applicant for a loan shall be deemed sufficient, if taken for such amount as it is customary for insurance officers within the State to take upon any single risk.

Loan, preliminary application for.

11. Preliminary applications for the said loan shall be received by the bank from any applicant, setting forth the description and estimated cost of the building proposed to be erected, together with the situation and dimensions of the lot whereon the building is to be placed; and the President and Directors of the bank, upon receiving such application, shall, even before information as to the condition of the title, direct the lot to be valued by the Commissioners appointed for that purpose; and the said Commissioners shall value the same, and certify their valuation in the manner provided by this Act; and the President and Directors of the Bank shall thereupon inform the applicant of the sum to which he will be entitled on complying with the provisions of the law; but no loan shall actually be made until the applicant shall fully have complied with the provisions of this Act.

Ordinance to guarantee State.

IV. Before the said loan is effected, the city of Charleston shall, by an ordinance to be duly ratified by the city authorities, guarantee the State against all loss to arise from loans to be made under the authority of this Act.

Lessee or tenant for life, loans may be made to.

V. The lessee or tenant for life of any lot or lands within the said district shall be allowed the benefit of the provisions of this Act, if the owner of the reversion or remainder join in the mortgage to secure the amount loaned, in such form as may be advised by the Attorney General.

Mortgage a charge upon land.

VI. The mortgage executed by the applicant shall be a charge upon the land in favor of the said bank and its assigns, from the date of its registry in the office of Mesne Conveyance, against all persons whomsoever; and all mortgages shall be recorded, or lodged in the Register's office for record, by the applicants, before any money shall be paid by the bank.

Fees and duty of officers.

VII. That the fees of each public officer who shall furnish certificates to be used in procuring the said loan, shall be, as is usual, twelve and a half cents for searches through all their books for each name, and sixty-two and a half cents for their certificate; but no public officer shall demand or receive from any applicant for the said loan more than two dollars for all searches, certificates and services, which may be made, given or rendered in his office for the said applicant upon any one application for a loan; and every public officer who shall demand or receive more than two dollars for all searches, certificates and services, inclusive, or who shall refuse to perform the usual duties of the office at the request of any such applicant, shall be deemed guilty of a misdemeanor, and upon conviction thereof before any Court of competent jurisdiction, shall be subject to fine and imprisonment, at the discretion of the Court.

Bond and mortgage, no charge for.

VIII. That no charge shall be made against any applicant for a loan, by the Attorney General, for the bond and mortgage required to be taken by the Bank, nor for any other professional service rendered by him in the arrangements for a loan.

Buildings commenced since the fire, loans to be made under Act.

IX. That any person owning a lot upon which a brick or stone building shall have been commenced since the fire of December, instant, shall be entitled to receive all the instalments of the loan

which he could have claimed under this Act, if he had made application before the commencement of the work: *Provided*, He shall substantially comply with all the conditions required of an original applicant who shall have received the same number of instalments, and shall substantially give to the Bank security equal to that which would have been required of such original applicant.

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X. And whereas the frequent visitations of the city of Charleston by fire, the destruction of property, and the loss of life occasioned thereby, admonish the State of the evil of permitting other than fire-proof buildings in the said city; and whereas the funds of this State herein authorized to be advanced on the security of buildings in the said city may be endangered, and no inducement is offered to individuals to erect fire-proof buildings, so long as others are allowed to build in their immediate neighborhood of combustible materials; for remedy whereof, that hereafter it shall not be lawful to build, put, erect or construct, within the city of Charleston, any wooden or frame building or cornice, or to cover any building with a roof of combustible materials, except as now authorized by law. And all persons applying for loans under this Act shall be required, as one of the conditions of the loan, to have a cistern on each lot mortgaged for the said loan.

Fire-proof buildings.

XI. Whenever default shall be made in the payment of any of the instalments of the principal sum of any of the said loans, or of the annual interest, premium of insurance, taxes, or incidental expenses, aforesaid, at the times respectively limited and appointed by this Act, it shall be the duty of the President and Directors of the Bank of the State of South Carolina to cause the property mortgaged to secure the payment of any such loan to be sold for the satisfaction of the entire debt, as herein provided, and shall execute conveyance thereof to the purchaser. But such sale shall not be made for cash, but for such portion of the price for which the same may be sold as may be equal to the amount then actually due on the said loan to be paid in cash, and for such credit, as to the residue, as the debtor would have been entitled unto for the residue of the debt, if the part thereof then past due had been actually paid, and the purchaser at a sale of property so made shall give bond and mortgage, as provided for in this Act, and he shall be subject to the provisions of this Act in relation to the enforcement of payments, and the said President and Directors may require personal or other further security, if they consider the same expedient.

Instalments, default in payment of, remedy for.

XII. That the Commissioners of Public Buildings for Charleston District shall provide one or more volumes of blank forms of the mortgage prescribed by this Act, to be furnished the Register of Mesne Conveyances for said District, in which the mortgages taken under this Act shall be recorded; and the fee for recording such mortgages shall be one half the rates now allowed by law.

Mortgages, blank forms to be provided.

In the Senate House, the twenty-first day of December, in the year of our Lord one thousand eight hundred and sixty-one, and in the eighty-sixth year of the sovereignty and independence of the State of South Carolina.

WILLIAM D. PORTER, President of the Senate.
JAMES SIMONS, Speaker House of Representatives.

A. D. 1861.

No. 4578.

AN ACT TO INCORPORATE THE INSURANCE AND TRUST COMPANY OF CHARLESTON, AND THE CALHOUN INSURANCE COMPANY.

Name.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the persons who shall become stockholders, in the manner hereinafter prescribed, shall thereupon become, and they and their successors and assigns shall be, a body politic and corporate, under the name, style and title of "The Insurance and Trust Company of Charleston."

Capital stock, amount of.

Commissioners to receive subscriptions, time and mode.

II. The capital stock of said company shall be two hundred thousand dollars, with the privilege of increasing the same to five hundred thousand dollars, which shall be divided into shares of twenty-five dollars each, and shall be raised in the following manner: The following persons are hereby appointed Commissioners to receive subscriptions, to wit: Charles Kerrison, Joseph Prevost and Samuel H. Mortimer; and said Commissioners, or a majority of them, shall, on the thirtieth day of December, instant, and the day following, from ten o'clock of the forenoon until two o'clock of the afternoon, of each day, at such place in Charleston as they shall appoint, receive subscriptions to the capital stock of the said company, from all persons offering to subscribe thereunto, and paying, at the time of subscribing, five dollars for each share subscribed by them, respectively—payment thereof to be made in specie, or in the bills of the banks of this State, or in stocks or bonds of the Confederate States, of the State of South Carolina, or of the city of Charleston, or in Confederate Treasury Notes, or other good and valid securities within the Confederate States—the stocks, bonds and securities so taken, to be estimated by the Commissioners at the market value thereof, at the time of subscribing: *Provided*, That the said Commissioners shall give at least five days' notice, by advertisement in the daily papers of the city of Charleston: *And provided*, That should a larger sum than two hundred thousand dollars be subscribed, then the amount so subscribed shall be the capital stock of the company, with the privilege of being increased as above provided.

Distribution of shares, if subscriptions are in excess.

III. That if more than five hundred thousand dollars shall be subscribed, the Commissioners shall distribute the shares of which the capital stock of the said company is to consist, among the subscribers, as nearly as may be in proportion to the number of shares subscribed by them respectively: *Provided, always*, That no subscription for not more than five shares shall be reduced, unless the whole number of shares subscribed cannot be otherwise reduced to five hundred thousand dollars.

Additional subscriptions if under.

IV. That in case the number of shares subscribed on the two days hereinbefore appointed for receiving subscriptions, shall be less than two hundred thousand dollars, the Commissioners shall continue to receive, at any time within the ten days next ensuing, further subscriptions, not exceeding such number of shares as, with those already subscribed, shall make up the amount of five hundred thousand dollars, due public notice thereof having been previously given, as hereinbefore provided.

V. That the said company, under its said name, shall have perpetual succession of officers and members, and all the powers, privi-

leges and franchises incident to a corporation, and shall be capable of taking, holding and disposing of their capital stock, according to such rules, regulations and institutions, as they may, from time to time, establish; and also of taking, holding, disposing of or investing, as the said corporation shall, from time to time, judge fit, the increase, profit and emolument of their said capital stock, to their own proper use; shall have full power and authority to make, have and use a common seal, and with such device and inscription as they shall deem proper, and the same to break, alter and renew, at their pleasure; and by the name, title and style aforesaid, shall be able and capable, at law and in equity, to sue and be sued, implead and be impleaded, answer and be answered unto, in all or in any of the courts or tribunals of this State, in all manner of suits, pleas and demands whatsoever; and they are hereby authorized and empowered to appoint a President and other officers and Directors, in such numbers, at such periods, and with such duties, as they shall see fit; and also to make rules, by-laws and ordinances, and to do every thing needful for the good government and support of the affairs of the said corporation: *Provided, always*, That the said rules, by-laws and ordinances shall not be repugnant to the Constitution and laws of this State, or of the Confederate States.

A. D. 1861.

Corporate
franchises, lia-
bilities.

VI. That the said corporation shall have a right and power to purchase, acquire, take and hold, in their corporate name, lands and real estate, and the same to demise, grant, sell, assign and convey, in fee simple or otherwise: *Provided*, The clear yearly income of the real estate, so to be held, shall not, at any time, exceed ten thousand dollars.

Real estate,
right to ac-
quire.

VII. That the said corporation shall have a right and power, by their said name, and by the signature of their President for the time being, or by the signature of such other person or persons, and with such ceremonies of authenticity as they shall from time to time, in and by their rules and by-laws, ordain and appoint, to make contracts, and underwrite policies of assurance and indemnity upon marine risks, whether of vessels, or of goods and merchandise, in whole or in part foreign and domestic, whether lying in foreign ports or shipped upon the high seas, or in any ports of the Confederate States, or within any of the rivers, bays, creeks, canals, or waters of this State, lying, or being, or laden; and also, in like manner, to make contracts and underwrite policies of insurance and indemnity against fire on all buildings, goods, wares, merchandise, and other property liable to destruction or accident by or from fire, or the effects thereof, situate, lying, being or deposited in this State or elsewhere; to lend or advance money upon bottomry or respondentia; to make insurance on lives; to grant and purchase annuities; to make any other contingent contracts, involving the interest of money and the duration of life; to receive money on deposit, allowing such rate of interest for the same as may be agreed on, not exceeding the legal rate of interest; to lend money on the security of real or personal property, bonds, bills or promissory notes; and generally to transact and perform all the business relating to the objects aforesaid, according to the usage and custom of merchants, and by such contracts effectually to bind and pledge their said capital stock: *Provided*, That it shall not be lawful for the said

General pow-
ers.

A. D. 1861.

company to lend money on the security of their own stock: *Provided, also*, That the total amount of the moneys so received on deposit, or of the promissory notes and bills of exchange in the possession of the said company shall not at any one time exceed one-half its capital actually paid in: *And provided, also*, That the amount to the credit of any one depositor shall at no time exceed the sum of twenty thousand dollars: *Provided, also*, That in case of the failure of the company, each stockholder, co-partnership and corporation, having a share or shares therein at the time of failure, or at any time within six months previous to such failure, shall be held individually liable and bound to double the amount of the shares held by them, respectively, for the payment of all such sums as shall have been received by the company on deposit.

Receiver,
Courts may ap-
point the com-
pany.

VIII. That it shall be lawful for the Court of Chancery, or any other Court, to cause any money in the custody or under the direction of the Court, belonging to infants or lunatics, or other persons, to be deposited with the said company; and it shall also be lawful for any Court to appoint the said company receiver, in cases in which a receiver is necessary; and the said company, as such depository or receiver, shall allow an interest of not less than four per cent. on all sums so deposited or received, until the same shall be duly disbursed, without any charge for receiving or paying the same: *Provided*, That nothing herein contained shall be considered as enjoining on the said Court, but only as permitting such deposit or appointment.

Powers over
members.

IX. That the said corporation shall be, and they are hereby, invested with full power to enforce upon their members the due observance of all laws, rules and regulations, for their better government, under such penalties as they shall, in and by such by-laws, limit and prescribe; and to that end, if need be, shall and may institute and maintain, in their said corporate name, against any one or more of their members, either at law or in equity, all just and necessary suits, actions and pleas for the recovery of all and any sum and sums of money, to the use of the said corporation, in as ample a manner as such suits might be maintained against persons not members of the said corporation; any law, usage or custom to the contrary thereof, in any wise notwithstanding.

Votes pro-
portioned to
shares.

X. That in all elections, and other corporate acts done by the stockholders of the said company, every stockholder, being the owner of five shares, shall have one vote; and for every additional ten shares, one vote: *Provided*, That no stockholder shall be entitled to more than forty votes.

Business,
commence-
ment of.

XI. Whenever one-fourth of the capital of the said company shall have been paid in, and satisfactory proof thereof shall have been furnished to the Comptroller General, the said company shall be authorized to commence business.

Invested, one-
third capital to
be.

XII. That at least one-third of the capital of the said company shall be permanently invested in stocks or bonds of this State, of the Confederate States, or of the city of Charleston, or in any other good stocks or bonds of incorporate companies within the State; and the company may transfer and sell said stocks or bonds, or any part thereof, for the purpose of re-investment, whenever a due regard to the safety of its funds may require: *Provided, however*,

That the company shall not deal or trade in buying or selling any goods, wares, merchandise, stocks or commodities whatever.

A. D. 1861.

XIII. That the books of the said company shall be examined, from time to time, by such person or persons as the Legislature may, for that purpose, appoint; and the persons so appointed shall have full power to examine upon oath, to compel the attendance of witnesses and the production of papers, and inquire into the management of the company; and in cases of mismanagement or violation of their charter, the said company may be proceeded against by *scire facias* in the Court of Common Pleas and General Sessions for Charleston District, and, upon conviction, shall be liable to have their charter annulled by the judgment of the Court.

Books may be examined by the Legislature.

XIV. The Board of Directors of the said company are hereby empowered to call in the remaining instalments on the shares of the capital stock, in such sums and at such times as they may deem advisable: *Provided*, Two weeks' notice be given of each call. And the said instalments shall be payable in the same medium as heretofore provided as to the first instalments of five dollars.

Remaining instalments.

XV. That the persons and bodies corporate who shall become stockholders in the manner hereinafter prescribed, and their successors, shall be a body politic and corporate, under the name, style and title of "The Calhoun Insurance Company, of Charleston."

Calhoun Insurance Company.

XVI. The capital stock of said company shall be two hundred thousand dollars, to be divided into eight thousand shares of twenty-five dollars each, and shall be raised in the following manner: The following persons are hereby appointed Commissioners to receive subscriptions to the capital stock, to-wit: Samuel Y. Tupper, William Kirkwood, John S. Riggs, George M. Coffin and C. D. Barbot. The said Commissioners, or a majority of them, shall open books at such places in Charleston as they shall appoint, on the thirtieth day of December, instant, from nine o'clock of the forenoon until five o'clock of the afternoon, and receive subscriptions to the said stock: *Provided*, The said Commissioners shall have given at least one day's notice, by advertisement in two daily gazettes in the city of Charleston, of the time and place of receiving the subscriptions, and shall require a payment of five dollars on each share to be made at the time of subscription therefor—payment thereof to be made in the bills of the banks of this State, or in stocks or bonds of the Confederate States, of the State of South Carolina, or of the city of Charleston, or in Confederate Treasury Notes, or other good and valid securities within the Confederate States—the stocks or bonds to be estimated at the market value by the Commissioners.

Capital Stock.

Commissioners.

Books to be opened.

XVII. That subscribers paying their subscription money, respectively, shall form the company, upon complying with the conditions, and subject to the provisions hereinafter set forth.

XVIII. That if, at the opening of the books, more than eight thousand shares shall be subscribed, the Commissioners shall distribute the eight thousand shares, of which the capital stock is to consist, among the subscribers, as nearly as may be, in proportion to the number of shares subscribed for by them, respectively, but subscriptions of twenty shares or less shall not be reduced, unless the

Distribution of shares, if in excess.

A. D. 1861.

whole number of shares subscribed for cannot otherwise be reduced to eight thousand.

Further sub-
scriptions, if
less than 8,000.

XIX. That in case the number of shares subscribed shall be less than eight thousand, the Commissioners shall receive further subscriptions to make up that number, at any time within one year after the first opening of the books.

Franchises.

XX. That the said company, under its name, shall have succession of officers and members, and all the powers, privileges and franchises incident to a corporation, and shall be capable of taking, holding and disposing of their capital stock, according to such rules and regulations as they shall, from time to time, establish, and also of taking, holding, disposing of or investing the increase, profits or emoluments of their said capital stock; and shall have full power and authority to have and use a common seal, and the same to alter and renew at their pleasure; and by the name and title aforementioned shall be able and capable, at law and in equity, to sue and be sued, implead and be impleaded, answer and be answered unto, in all manner of suits, pleas, demands and judicial proceedings whatsoever. And they are authorized and empowered to appoint a President, Directors, and other necessary officers, at such periods, and with such duties as the said company shall see fit, and also to make rules and by-laws for the good government and management of the officers of the corporation: *Provided*, The said rules and by-laws shall not be repugnant to the Constitution and laws of this State, and of the Confederate States.

Real estate
may be ac-
quired.

XXI. That the said corporation shall have right and power to acquire, purchase, take and hold, in its corporate name, lands and real estate, and the same to demise, grant, sell, assign, exchange and convey, in fee simple or otherwise: *Provided*, The clear yearly income of the real estate so to be held shall not at any time exceed ten thousand dollars.

Corporate
privileges.

XXII. That the said company is hereby authorized and empowered to make contracts and underwrite policies of assurance and indemnity against fire on buildings, goods, wares, merchandise, shipping and other property, situate, lying, being or deposited in this State, or elsewhere, as well as in the city of Charleston; and also to make contracts and underwrite policies of assurance and indemnity upon marine risks, whether of vessels or of goods, merchandise or chattels, in whole or in part foreign and domestic, whether upon the high seas, or in foreign ports, or in ports of the Confederate States, or within any of the rivers, bays, creeks, canals or waters of this or any other State or country; and also to lend or advance money upon bottomry or *respondentia*.

Dividends, re-
strictions on.

XXIII. That in case of any loss, whereby less than one-third of the capital stock of the said company shall be lost, during the continuance of this charter, no dividend shall thereafter be made until the deficiency shall be made up by the stockholders, or the company, or by the accumulation of the profits of its business.

Lost capital
to be made up,
or corporation
liquidate.

XXIV. That if the capital of the company be reduced by losses to less than two-thirds of the original capital stock, the deficiency shall be made up by the stockholders, in six months after such reduction shall occur, and in default thereof, the affairs of the corporation shall be wound up, and they shall cease to do business.

XXV. That if the affairs of the corporation are not wound up, as directed in the preceding Section, and they proceed with business, then the President and Directors shall be jointly and severally liable to make good all engagements of the company, entered into after the reduction of the capital; but nothing in this Section shall extend to any President or Director who shall dissent to the proceedings of the company in these particulars, and who shall enter his protest in the minutes of the Board, and publish the same in the daily gazettes of the city of Charleston, or who shall be absent from the State during the six months in which the deficiency of capital ought to have been made up.

A. D. 1861.

Officers ind-
vidually liable,
in what case.

XXVI. That the said corporation shall be invested with full power to enforce upon their members the due observance of all rules and by-laws for the good government and management of the affairs of the company, under such penalties as in and by the said rules and by-laws shall be limited and appointed, and to this end, if need be, shall and may institute and maintain, in their corporate name, against any one or more of their members, all necessary suits, actions and pleas, either at law or in equity, for the recovery of any sum or sums of money, to the use of the said corporation, in as ample a manner as such suits might be maintained against persons not members of the corporation.

Powers over
members.

XXVII. That in all elections and other corporate acts done by the stockholders of the said company, every stockholder shall be entitled to one vote for each share owned by him or her, or standing in his or her name: *Provided*, That no stockholder shall be entitled to more than forty votes.

Vote propor-
tioned to
shares.

XXVIII. That one-fourth of the capital of the company shall be paid in, and satisfactory proof thereof be furnished to the Comptroller General, before the said company shall be authorized to commence business; and the residue of the capital shall be paid in at such times, and in such manner, as the company may appoint: *Provided*, The whole shall be paid within one year after they shall have commenced business.

Business, com-
mencement of.

XXIX. That the books of the company shall be examined, from time to time, by such person or persons as the Legislature may, for that purpose, appoint; and the persons so appointed shall have full power to compel the attendance of witnesses and the production of books and papers, and to inquire into the management of the company. In case of abuse or violation of their charter, the said company may be proceeded against by *scire facias*, in the Court of Common Pleas and General Sessions for Charleston District; and, upon conviction, shall be liable to have their charter annulled by the judgment of the Court.

Books may be
examined by
Legislature.

XXX. That at least half of the capital of the said company shall be permanently invested in stock of this State, or of the city of Charleston, or of the Confederate States, or in good stocks of incorporated companies within this State, or in bonds secured by mortgage of real estate within the State; and the company may transfer and sell such stocks, or any part thereof, or dispose of or collect the said bonds, for the purpose of re-investment, whenever a due regard to the safety of its funds may require: *Provided, however*, That the said company shall not deal or trade in buying and selling any goods, wares, merchandise, commodities or stocks, whatsoever.

Invested, half
of capital to be.

A. D. 1861.

Dividends.

XXXI. That no dividend upon the capital of the company shall be declared exceeding twelve per cent.; any excess of profits above said per centage shall be carried to a surplus fund, to meet losses and equalize dividends. In case the profits fall below the per centage above specified, the dividends may be increased to that rate from the surplus fund. The interest upon the investment of said surplus fund may, however, be at all times added to the dividend, and distributed among the stockholders.

Remaining instalments.

XXXII. The Board of Directors are hereby empowered to call in the remaining instalments on the shares of the capital stock, in such sums and at such times as they may deem advisable: *Provided*, Two weeks' notice be given of each call; and the said instalments shall be payable in the same medium as hereinbefore provided as to the first instalment of five dollars.

XXXIII. That this Act shall be deemed a public Act, and the charters hereby granted shall continue and be in force for twenty years.

In the Senate House, the twenty-first day of December, in the year of our Lord one thousand eight hundred and sixty-one, and in the eighty-sixth year of the sovereignty and independence of the State of South Carolina.

WILLIAM D. PORTER, President of the Senate.
JAMES SIMONS, Speaker House of Representatives.

No. 4579. AN ACT IN REFERENCE TO THE SUSPENSION OF SPECIE PAYMENTS BY THE BANKS OF THIS STATE, AND FOR OTHER PURPOSES.

Acts of Assembly, suspension of certain.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the operation of the third Section of an Act entitled "An Act for the suspension of certain Sections of certain Acts, and for other purposes," ratified on the twenty-first day of December, in the year eighteen hundred and fifty-seven, as amended by the sixth Section of an Act entitled "An Act to regulate the mode of electing Directors of the Bank of the State of South Carolina, and for other purposes," ratified on the twenty-first day of December, in the year eighteen hundred and fifty-eight, be, and the same is hereby, postponed until the first day of January, in the year of our Lord one thousand eight hundred and sixty-three.

II. That the second Section of an Act entitled "An Act to provide against the suspension of specie payments by the Banks of this State," passed on the eighteenth day of December, in the year of our Lord one thousand eight hundred and forty, be, and the same is hereby, suspended until the first day of January, which will be in the year one thousand eight hundred and sixty-three.

III. That the fifth Section of an Act entitled "An Act to re-charter the Planters' and Mechanics' Bank of South Carolina; the Union Bank of South Carolina; the Commercial Bank of Colum-

bia, South Carolina, and to incorporate the Exchange Bank of Columbia; the Farmers' and Exchange Bank, and the People's Bank of Charleston; the Bank of Newberry; the Bank of Chester; the Bank of Summerville; the Planters' Bank of Fairfield, and the Western Bank of South Carolina, at Anderson," passed the sixteenth day of December, in the year of our Lord one thousand eight hundred and fifty-two, and all Sections of other Acts containing the like provisions, be, and the same are hereby, suspended until the first day of January, which will be in the year of our Lord one thousand eight hundred and sixty-three.

IV. That in case any of the banks of this State shall be compelled, by any exigency arising out of the existing war, to close any of their offices in any of the places in which they are now established by law, that then and in such case, the said banks be, and the same are hereby, authorized to establish their respective offices and transact their business, during the continuance of the said exigency, in any other suitable place or places within the State, as their respective Boards of Directors may determine; and the said Boards of Directors shall judge of the existence and continuance of the exigency aforesaid.

A. D. 1861.
Banks may
change office
location.

V. That the bills or notes, and all other money engagements of any of the said banks which may be compelled to close their present offices or places of business, and establish them elsewhere, as aforesaid, be, and the same are hereby, made payable at their respective new places of business; and all bills, drafts, notes and other negotiable paper, held by the said banks and made payable at their old places of business, may be presented for acceptance or payment, and protested for non-acceptance or non-payment, at their new places of business, in the same manner, and with the same legal effect, as to demand on drawer and maker, and notice to endorsers, as if the said bills, drafts, notes, or other negotiable paper, had been made payable at their said new places of business.

Bills, &c.,
made payable
at new loca-
tion.

VI. That the said Boards of Directors be, and are hereby, authorized and empowered to make all needful rules and regulations to carry the provisions of this Act into full and complete effect, according to the true intent and meaning thereof.

In the Senate House, the twenty-first day of December, in the year of our Lord one thousand eight hundred and sixty-one, and in the eighty-sixth year of the sovereignty and independence of the State of South Carolina.

WILLIAM D. PORTER, President of the Senate.
JAMES SIMONS, Speaker House of Representatives.

A. D. 1861.

No. 4580.

AN ACT TO INCORPORATE THE TRENHOLM MUTUAL INSURANCE COMPANY.

- Name.** I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the Commissioners hereinafter named, with such other persons as shall become stockholders, in the manner hereinafter prescribed, and their successors, shall be a body politic and corporate, by the name and style of the Trenholm Mutual Insurance Company.
- Capital Stock.** II. That the capital stock of the said company shall be two hundred thousand dollars, which shall be divided into eight thousand shares of twenty-five dollars each, with the right to increase the same six hundred thousand dollars more, in script capital. The
- Commissioners.** following persons shall be, and are hereby, appointed Commissioners to receive subscriptions, to wit: John S. Riggs, A. S. J. Perry, Simons Lucas, Jr., Abbott B. White, and George Lamb Buist.
- Books to be opened.** The said Commissioners, or a majority of them, shall, at Charleston, on the second Monday in February next, from nine o'clock in the forenoon until five o'clock in the afternoon, at such place as they shall appoint, open books and receive subscriptions to the capital stock of said company: *Provided*, The said Commissioners shall have given at least ten days' notice, by advertisement in two daily gazettes in the city of Charleston, of the time and place of receiving the subscriptions, and shall require payment of five dollars on each share to be made at the time of receiving the subscription—the said payment to be made in specie, or in the bills of the banks of this State, or in stocks or bonds of the Confederate States, or of the State of South Carolina, or of the city of Charleston, or in Confederate Treasury Notes, or in other good and valid securities within the Confederate States—the stocks and bonds and securities so taken to be estimated by the Commissioners at the market value thereof at the time of subscribing.
- Corporate powers.** III. That for the organization and administration of the Trenholm Mutual Insurance Company, hereby created, the said company is invested with all the powers, privileges and immunities, and subjected to all the duties, restrictions and liabilities, conferred and imposed on the Elmore Mutual Insurance Company by an Act entitled "An Act to incorporate the Elmore Mutual Insurance Company, to be located in the city of Charleston," ratified on the twenty-second day of December, in the year of our Lord one thousand eight hundred and fifty-nine, and the charter of the "Elmore Mutual Insurance Company" is hereby made the charter of "The Trenholm Mutual Insurance Company," so far as the same is applicable, consistent with the modifications hereinbefore provided.
- Books, power to postpone opening of.** IV. In case the said Commissioners hereinbefore named, or a majority of them, shall deem it advisable and proper to postpone opening the books of subscription for the capital stock of the said company on the second Monday of February next, they shall be authorized to do so; and in that event, they are empowered to open them on any day before the first Monday in October next, which they may determine on, after giving two weeks' notice, in two of the public gazettes of the city of Charleston, of the time and place.

V. That this Act shall be deemed and taken to be a public Act, and continue in force for the term of twenty-one years.

A. D. 1861.

VI. The Board of Directors of the said company are hereby empowered to call in the remaining instalments on the shares of the capital stock, in such sums, and at such times, as they may deem advisable, to be paid in the medium above provided for: *Provided*, Two weeks' public notice be given of each call.

Remaining
instalments.

In the Senate House, the twenty-first day of December, in the year of our Lord one thousand eight hundred and sixty-one, and in the eighty-sixth year of the sovereignty and independence of the State of South Carolina.

WILLIAM D. PORTER, President of the Senate.

JAMES SIMONS, Speaker House of Representatives.

AN ACT TO CHARTER A COTTON PLANTERS' LOAN ASSOCIATION. No. 4581.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That it shall and may be lawful for the citizens of this State to form one Cotton Loan Association in each Congressional District in this State, as now constituted by law, in the following manner, that is to say: Whenever it is desired to form any such association, public notice thereof shall be given, by advertisement, by the Comptroller General, at the instance of at least thirty planters pledged to subscribe at least one thousand bales of cotton, at one Court House at least in each Congressional District, in which the office of such association is to be located, and in some gazette in Charleston and Columbia, for the space of two weeks, which notice shall specify the number of pounds of cotton to be subscribed, not less than two thousand nor more than ten thousand bales, averaging four hundred pounds each, and a copy thereof be filed in the Executive office of this State. At the expiration of the time of advertisement, books for subscription of cotton shall be opened at such times and places, and under the direction of such Commissioners, or a majority of them, as shall be designated by the Governor. In case of under subscription, the Commissioners shall report the fact to the Governor, who may authorize the re-opening of the books, at such further times and places as he may appoint. In case of over subscription, they shall reduce the same ratably among the subscribers, except that no subscription of twenty-five hundred pounds of cotton, or under, shall, in the first instance, be reduced. In all cases, a report of their proceedings shall be transmitted to the Governor. As soon as the requisite number of pounds of cotton shall be subscribed, such of the Commissioners as may be designated shall appoint a convenient time and place for the meeting of the subscribers, and cause the same to be advertised for a reasona-

Cotton Loan
Association,
mode of forming.

A. D. 1861.

ble time. At the time and place so appointed, the subscribers may appear, in person or by proxy, and the meeting having assembled, with the majority of the amount subscribed represented, of which a proper registry shall be made, the subscribers shall vote for six Directors, to serve for one year, and until a new election shall be had, in which election each subscriber shall be entitled to one vote for every twenty-five hundred pounds of cotton subscribed; and the Directors so elected shall proceed forthwith to select one of their number as President, and shall also elect a Treasurer. The President and Directors shall immediately prepare under their hands and seals, a statement of their election, of the number of pounds of cotton subscribed, and the corporate name which they desire to assume for the company, and shall transmit the same to the office of the Secretary of State, either in Charleston or Columbia, for registry. Upon receipt of such statement, the Secretary of State shall issue his certificate, under the seal of the State, testifying that the provisions of this Act have therein been complied with; and, upon the signature of the certificate by the Governor, the company shall be considered as formed, and an Act of incorporation shall immediately attach. Every association incorporated by virtue of this Act shall have perpetual succession of officers and members, and be capable, in their corporate name, to sue and be sued, answer and be answered, plead and be impleaded, in all the Courts of this State. They may have a common seal, and the same may alter at pleasure; may elect, in such manner as they shall determine to be proper, all necessary officers, whose election is not herein otherwise provided for, fix their compensation and define their duties and obligations; to make by-laws and regulations, not inconsistent with the laws of this State, for their own government, and for the due and orderly conducting of their affairs.

Charter, duration of.

II. That every company formed under the provisions of this Act shall continue as a chartered company until the first day of January, one thousand eight hundred and sixty-five: *Provided*, That no company shall be formed after the removal of the blockade.

Privileges of Act, on what terms secured.

III. That every association formed under this Act shall, before they are entitled to any of the privileges hereinafter granted, deposit in the office of the Comptroller General such policies of insurance on the cotton so subscribed as shall be approved by the Comptroller General, and at the expiration of such policies, if such policies are not renewed within one week, it shall be the duty of the Comptroller General forthwith to report that fact to the Governor, who shall forthwith issue his proclamation, declaring the charter of such association forfeited.

Bills or notes, Associations may issue.

IV. That whenever any association shall have complied with all the foregoing provisions of this Act, such association shall have power to issue bills or notes, of any denomination not less than five dollars, to be signed by the President and countersigned by the Treasurer, (which shall be receivable in payment of taxes and other dues to the State): *Provided*, That the said notes shall not be taken in payment of the war tax of the Confederate States, unless the President of the Bank of the State and the Treasurer of the Lower Division shall be able to make it a condition of the loan to be made in relief of said tax, that the said notes will be received in payment

of said loan: *Provided, however,* That the whole amount of such bills and notes shall in no case exceed the amount of six dollars for every hundred short, and fifteen dollars for every hundred pounds of long cotton, ginned and baled, so subscribed; and shall be allowed to discount bills of exchange, at a rate of interest not exceeding six per centum per annum, and loan said bills or notes, so authorized to be issued, at the same rate of interest; and all said bills shall be redeemable in gold and silver six months after the blockade of our coast is removed; and the President and Directors of each and every association formed under this Act shall be authorized and empowered to sell the cotton subscribed to such association at any time six months after said blockade is removed.

V. That the bills or notes which may be issued by the order of any such association, signed by the President and countersigned by the Treasurer thereof, promising the payment of money to any person or persons, his, her or their order, or to the bearer, though not under the seal of the said association, shall be binding and obligatory upon such association, in like manner, and with the like force and effect, as upon any private person or persons, if issued by him or them in his or their private capacity, and shall be assignable and negotiable in like manner as if they were so issued by such private person or persons.

A. D. 1861.

Bills or notes,
obligatory as
promissory
notes.

VI. That dividends shall be made at least twice in each year by the said associations, of so much of the profits of said associations as shall appear to the Directors advisable; and once in every year the Directors shall lay before the subscribers, at a general meeting, for their information, a full statement of the affairs of said association; and the President and Treasurer shall, on the first of every month, transmit a statement, sworn to by them, showing the amount of cotton on hand, the amount of bills and notes issued and in circulation, and the amount of loans and discounts made by such association; and in case such report shall not be made for two consecutive months, as herein required, it shall be the duty of the Comptroller General to report that fact to the Governor, who shall forthwith issue his proclamation, declaring the charter of such association forfeited.

Dividends.

VII. That in case of the failure of any association formed under this Act, each subscriber shall be liable and held bound, individually, for any sum not exceeding twice the value of the cotton subscribed by him, to be fixed by the Court before which such subscriber shall be sued, relation being had to the time of such failure.

Failure of As-
sociation, lia-
bility in case of.

VIII. That any real estate, bills and notes, moneys, profits, or other property whatever, which may, on the dissolution of said association, be owned or possessed by it, shall be held by the Directors of said association for the use and benefit of all persons holding shares in said association at the time of its dissolution, and their legal assigns and representatives, in average and proportion to the amount of said shares.

Assets, on dis-
solution, to be
held for share-
holders.

In the Senate House, the twenty-first day of December, in the year of our Lord one thousand eight hundred and sixty-one, and in the eighty-sixth year of the sovereignty and independence of the State of South Carolina.

WILLIAM D. PORTER, President of the Senate.

JAMES SIMONS, Speaker House of Representatives.

A. D. 1861. **AN ACT TO INCORPORATE THE MUTUAL FIRE INSURANCE COMPANY, OF COLUMBIA.**
 No. 4582.

- Name.** I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the Commissioners hereinafter named, with such other persons as are now, or may hereafter become, members in the manner hereafter named, and their successors, shall be a body corporate and politic, under and by the name, style and title of the Mutual Fire Insurance Company, of Columbia.
- Capital stock.** II. The capital stock of said company shall be one hundred and fifty thousand dollars, to be divided into six thousand shares of twenty-five dollars, with the right to increase the same to five hundred thousand dollars, in script capital, in the manner and under the terms hereinafter prescribed. The following persons are appointed, to wit: Andrew Wallace, Edwin J. Scott, Andrew Crawford, John H. Pearson, Jacob Lyons, R. L. Bryan, and R. D. Senn.
- Commissioners.** The said Commissioners, or a majority of them, shall open books at Columbia, on the first Monday of February next, and receive subscriptions to the said stock: *Provided*, The said Commissioners shall have given at least ten days' notice, by advertisement in two daily gazettes in the city of Columbia, of the time and place of receiving the subscriptions, and shall require payment of five dollars—payment thereof, and of all subsequent instalments, to be made in specie, or in bills of the banks of this State, or in stocks or bonds of the Confederate States, of the State of South Carolina, or of the city of Columbia, or in Confederate Treasury Notes, or other good and valid securities within the Confederate States—the stocks, bonds and securities so taken to be estimated by the Commissioners at the market value thereof at the time of subscribing, on each share to be made at the time of receiving the subscription.
- Books to be opened.** III. The subscribers paying their subscription money, respectively, shall form the company, upon complying with the conditions, and being subject to the provisions hereinafter set forth.
- Company, subscribers to form the.** IV. If at the opening of the said books more than six thousand shares be subscribed, the Commissioners shall distribute the six thousand shares of which the said capital stock is to consist among the subscribers as nearly as may be in proportion to the number of shares subscribed by them, respectively, but subscriptions of ten shares or less shall not be reduced, unless the whole number of shares subscribed cannot be otherwise reduced.
- Shares, distribution in case of excess of.** V. In case the number of shares subscribed shall be less than six thousand, the Commissioners shall receive further subscriptions to make up that number at any time within one year from the date of opening the books.
- Shares, further subscriptions if less than 6,000.** VI. That the said company shall have succession of officers and members, under its corporate name, and all the powers, privileges and franchises, incident to corporations, and shall be capable of taking, holding and disposing of their capital stock according to such rules and regulations as they shall, from time to time, establish, and, also, of taking, holding, disposing of, or investing the increase, profit or emolument of the said capital stock; and shall have full power and authority to have and use a common seal, and the same
- Corporate franchises.**

to alter and renew at their pleasure, and by the name and title aforementioned shall be able, at law and in equity, to sue and be sued, implead and be impleaded, answer and be answered unto, in all manner of suits, pleas, demurrers, demands and judicial proceedings. And they are authorized and empowered to appoint a President, and Directors and Trustees, establish agencies and other necessary officers, at such periods, and with such duties, as the said company may see fit, and also make rules and by-laws for the good government and management of the affairs of the corporation: *Provided*, The said rules and by-laws shall not be repugnant to the Constitution and laws of this State and of the Confederate States.

A. D. 1861.

VII. The said corporation shall have the right and power to acquire, purchase, take and hold, in its corporate name, lands and real estate, and the same to grant, sell, assign, exchange and convey, in fee simple or otherwise: *Provided*, The clear yearly income of the real estate so to be held shall not, at any time, exceed the sum of ten thousand dollars.

Real estate,
may hold.

VIII. The said corporation, in their name, and by the signature of the President for the time being, or by the signature of such other person, and in such form, and with such ceremonies, as they in their rules and by-laws direct, to make contracts and underwrite policies of insurance and indemnity against loss by fire, in the same manner as is now granted to the "Firemen's Insurance Company of Charleston," with the same rights, privileges and obligations, and subject to the same liabilities, as have been granted to the said "Firemen's Insurance Company of Charleston," except as to the power to take marine risks.

General pow-
ers.

IX. In case of losses whereby less than one-third of the original cash capital is lost, no dividends shall be declared until the deficiency is made up by the stockholders, or by accumulated profits, and if said original capital is reduced to less than two-thirds, if the said deficiency is not made up within six months, the company to be wound up and cease to do business. If not so wound up, and the company proceed to do business, the President and Directors, jointly and severally, shall be liable to make good all engagements entered into after the last mentioned reduction of capital: *Provided*, That the President or any Directors who shall enter his or their protest in the minutes of the Board, and publish their protest in the daily gazettes of the city of Columbia, or who shall be absent from Columbia duringt he six months when the deficiency ought to be made up, shall not be so liable.

Dividends, re-
strictions on, in
case of lost cap-
ital.

X. The said corporation shall be invested with full power to enforce upon their members the due observance of all rules and by-laws for the good government and management of the affairs of the company, under such penalties as in and by the said rules and by-laws shall be limited and appointed; and to this end, if need be, shall and may institute and maintain, in their corporate name, against any one or more of their members, all necessary suits, actions or pleas, either at law or in equity, for the recovery of any sum or sums of money, to the use of the said corporation, in as ample a manner as such suits, actions or pleas may or might be maintained against persons who are not members of the corporation.

Power over
members,

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Votes proportioned to stock.

Business, when company may commence.

Books, Legislature reserves authority to examine the.

Capital, proportion to be invested.

Profits, proportion to be invested.

Profits, annual estimates of, to be made.

XI. In all elections, and other corporate acts done by the stockholders of said company, every stockholder, being the owner of more than five shares, shall have one vote for every five shares between five and fifty shares; and an additional vote for every ten shares over fifty shares; but no stockholder shall be entitled to more than fifty votes.

XII. One moiety of the capital of the company shall be paid in, and satisfactory proof thereof be furnished to the Comptroller General, before the said company shall be authorized to commence business, and the residue of said capital to be paid in at such times, and in such manner, as the company may appoint: *Provided*, The whole shall be paid within one year after they commence business.

XIII. The books of the company shall be examined, from time to time, by such person or persons as the Legislature may, from time to time, appoint for that purpose, and persons so appointed shall have full power to compel the attendance of witnesses and the production of books and papers, and inquire into the management of the company. In case of abuse or violation of their charter, they may be proceeded against by *scire facias*, in the Court of Common Pleas and General Sessions, and, upon conviction, shall be liable to have their charter annulled by the judgment of the Court.

XIV. At least one-half of the capital of said company shall be permanently invested in stocks of this State, of the city of Columbia, or of the Confederate States, or in good stocks of incorporated companies within the State, or in bonds secured by mortgage of real estate within this State; and the company may transfer and sell such stocks, or any part thereof, or dispose of or collect the said bonds, for the purpose of re-investment, whenever a due regard for the safety of its funds may require: *Provided, however*, That the said company shall not deal or trade in buying and selling any goods, wares, merchandise or stocks whatever.

XV. All the profits arising from the premiums received, and from the income and interest of the company's investments, (after deducting the amounts hereinafter directed to be paid,) shall be invested in the same manner, and subject to the same restrictions, as directed and limited in the investment of the cash capital, until the accumulations shall amount to five hundred thousand dollars, represented by script, as hereinafter provided to be issued.

XVI. The officers of said company shall, within one month of the expiration of each fiscal year, cause an estimate to be made, as near as possible, of the profits of said company during the preceding year, in which estimate the losses and expenses of the company for the year shall be deducted from the earnings of the company and the income of its capital and invested accumulation during the same; the balance shall be deemed profits for such year. This estimate shall be binding and conclusive upon all persons, as well stockholders as those entitled to receive certificates of profits, as hereinafter mentioned. After applying, from these profits, sufficient to cover the payment of seven per cent. interest to the stockholders, and the stipulated interest on all outstanding script of the company, twenty-five per cent. of the residue of the profits shall be

paid in cash to the stockholders as a dividend upon their stock, and the remainder thereof, to wit, seventy-five per cent., shall be apportioned among the customers of the company for said year, and the script shall be issued therefor as provided in the next Section.

XVII. There shall, annually, at the time of the ascertainment of profits as aforesaid, be credited on the books of said company to each person or firm who shall have paid any premiums to said company, on risks terminating without loss or any claim against said company, which shall have been earned during the preceding year, such portion of said seventy-five per cent. of profits ascertained as aforesaid, as the amount of such earned premiums (and not returned) by such person or firm, shall be of the whole amount of premiums earned by the company, (less return premiums,) on risks terminating without loss or claim as aforesaid; and thereupon the said company shall issue to such person or firms, respectively, certificates declaring him or them, or his or their assigns, to be entitled to his or their portion of the invested funds of said company, equal to the amount so credited to him or them on the books of the company, and also to the receipt, annually, out of the interests or income derived by said company from the investments of said profits, of an interest not exceeding six per cent.; and said certificate shall also contain a proviso that the amount named therein is liable for any future losses of said company, as provided in this charter; but no person or firm shall be credited, or receive a certificate for a share of profits not less than five dollars, nor for any fractional excess over even fives of dollars; and all such fractional excesses over even fives of dollars shall be carried to the contingent fund of said company, and applied on account of charges and expenses.

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Credits to pay-
ers of pre-
miums, in what
cases to be
made, with
script evi-
dence.

XVIII. The fund represented by the script issued shall constitute a surplus or reserve of said company for the security and payment of losses, and be liable for any excess of losses and expenses above the earned premiums of any year, each later annual issue of script always to be first reduced, or wholly cancelled, before any previous annual issue is at all reduced, and all the issues of script be liable to reduction and cancellation before the capital stock shall be encroached upon.

Script fund
liable for losses

XIX. This Act shall be deemed a public Act, and the charter hereby granted shall continue and be of force for twenty-one years, and no longer.

In the Senate House, the twenty-first day of December, in the year of our Lord one thousand eight hundred and sixty-one, and in the eighty-sixth year of the sovereignty and independence of the State of South Carolina.

WILLIAM D. PORTER, President of the Senate.

JAMES SIMONS, Speaker House of Representatives.

A. D. 1861. **AN ACT TO GRANT EXEMPTION TO CERTAIN FREE PERSONS OF COLOR WHO SHALL RETURN TO THIS STATE, FROM PENALTIES NOW PROVIDED BY LAW.**
 No. 4583.

Free negroes,
when they may
return to State.

I. Be it enacted by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That all and every free colored person and persons, residents of this State, who, during the present war, has or have left, or may leave, this State, in any occupation or employment of a military character, or in the employment of any person connected with the military service of this State or the Confederate States, may be at liberty to return to this State, and remain within the same, free from the penalties now provided by law against the return of free persons of color who have left this State.

In the Senate House, the twenty-first day of December, in the year of our Lord one thousand eight hundred and sixty-one, and in the eighty-sixth year of the sovereignty and independence of the State of South Carolina.

WILLIAM D. PORTER, President of the Senate.
 JAMES SIMONS, Speaker House of Representatives.

No. 4584. **AN ACT TO INCORPORATE THE CAROLINA INSURANCE COMPANY.**

I. Be it enacted by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the persons who shall become stockholders, in the manner hereinafter prescribed, shall thereupon become, and they and their successors and assigns shall be, one body politic and corporate, under the name, style and title of the Carolina Insurance Company.

II. The capital stock of the said company shall be two hundred thousand dollars, which shall be divided into eight thousand shares of twenty-five dollars each, and shall be raised in the following manner: The following persons shall be, and they are hereby, appointed Commissioners to receive subscriptions, on the several plans hereafter named: Augustus L. Tobias, Henry Cobia, and George A. Walter, and said Commissioners, or a majority of them, shall, at Charleston, on the thirtieth day of December, instant, from nine o'clock of the forenoon until five o'clock of the afternoon, at such place in Charleston as they shall appoint, receive subscriptions to the capital stock of the said company, from all persons offering to subscribe thereto, and paying, at the time of subscribing, five dollars per share—payment thereof to be made in specie, or in the bills of the banks of this State, or in stocks or bonds of the Confederate States, of the State of South Carolina, or of the city of Charleston, or in Confederate Treasury Notes, or in other good and valid securities within the Confederate States—the stocks and bonds

Commissioners
to open books.

and securities so taken to be estimated by the Commissioners at the market value thereof at the time of subscribing: *Provided*, That the said Commissioners shall give at least three days' notice, by advertisement in two gazettes published in the city of Charleston, of the time and place of receiving such subscriptions.

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III. And such said subscribers, paying their subscription money, respectively, shall form the company above mentioned, upon complying with the conditions, and being subject to the clauses hereinafter set forth.

Company, of
whom formed.

IV. If more than eight thousand shares shall be subscribed, the Commissioners shall distribute the eight thousand shares of which the capital stock of the said company is to consist, among the subscribers, as nearly as may be, in proportion to the number of shares subscribed by them, respectively: *Provided, always*, That subscriptions of five shares or less shall not be reduced, unless the whole number of shares subscribed cannot be otherwise reduced to eight thousand.

Shares, distribution of excess of.

V. In case the number of shares subscribed on the day hereinbefore appointed for receiving subscriptions shall be less than eight thousand, the Commissioners shall receive further subscriptions, not exceeding such number of shares as, with those already subscribed, shall make up the number of eight thousand shares, at any time during one year next following the said thirtieth day of December, instant.

Further subscriptions, if less than 8,000.

VI. The said company, under its name, shall have succession of officers and members, and all the powers, privileges and franchises incident to a corporation; and shall be capable of taking, holding and disposing of their capital stock, according to such rules, regulations and institutions as they may, from time to time, establish; and also of taking, holding and disposing of, or investing, as the said corporation shall, from time to time, judge fit, the increase, profit or emolument of their said capital stock, to their own use; and shall have full power and authority to make, have and use a common seal, and with such device and inscription as they shall deem proper, and the same to break, alter and renew at their pleasure; and by the name, style and title aforesaid, shall be able and capable, at law and in equity, to sue and be sued, implead and be impleaded, answer and be answered unto, in all or any of the Courts or tribunals of this State, in all manner of suits, pleas and demands whatsoever; and they are hereby authorized and empowered to appoint a President and other officers, and six Directors, at such periods, and with such duties, as they shall see fit; and also to make rules, by-laws and ordinances, and do everything needful for the good government and support of the affairs of the said corporation: *Provided, always*, That the said rules, by-laws and ordinances shall not be repugnant to the Constitution and laws of the Confederate States or of this State.

Franchises.

VII. The said corporation shall have a right and power to purchase, acquire, take and hold, in the said corporate name, lands and real estate, and the same to demise, grant, sell, assign and convey, in fee simple or otherwise: *Provided*, The clear yearly income of the real estate so to be held shall not at any time exceed ten thousand dollars.

Real estate, company may acquire.

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General powers.

VIII. The said corporation shall have a right, and by their said names, and by the signature of their President for the time being, or by the signature of such other person or persons, and with such ceremonies of authenticity as they shall, from time to time, in and by their rules and by-laws ordain and appoint, to make contracts, and underwrite policies of assurance and indemnity upon marine risks, whether of vessels, or goods and merchandise, in whole or in part foreign and domestic, whether lying in foreign ports or shipped upon the high seas, or in any ports of the Confederate States, or within any of the rivers, bays, creeks, canals or waters of this State, lying, or being, or laden; and also, in like manner, to make contracts and underwrite policies of insurance and indemnity against fire, on all buildings, goods, wares and merchandise, and other property liable to destruction or accident by or from fire, or the effect thereof, situate, lying, being or deposited in this State, or elsewhere; to lend or advance money upon bottomry or respondentia, to make insurance on lives, to grant and purchase annuities, to lend money on the security of real and personal property, bonds, bills or promissory notes, to make any other contingent contract involving the duration of life, and generally to transact and perform all the business relating to the objects aforesaid, according to the usage and custom of merchants; and by such contracts effectually to bind and pledge their said capital stock: *Provided*, That it shall not be lawful for the said company to lend money on the security of their own stock.

Dividends, restriction on.

IX. No dividend shall be declared exceeding twelve per cent. per annum upon the capital of the said company, and any excess of profits made at any time, or from any source, above such per centage, shall be carried to a surplus fund to meet losses and equalize dividends. If the profits at any time fall below the amount, then, and in that case, the dividends may be increased to that amount from the surplus fund: *Provided*, The capital be not thereby reduced.

Loss of capital, no dividend in case of.

X. In case of any loss whereby the capital stock of the said company shall be lessened during the continuance of the charter, no dividend shall thereafter be made until the deficiency shall either be made up by the stockholders, or by the company, or until a sum arising from the profits of its business, equal to such diminution, shall have been added to the capital.

Loss of third of capital, consequences in case of.

XI. If the capital of said company shall become reduced by losses below two-thirds thereof, the deficiency shall be made up by the stockholders in six months after such reduction shall occur, and, in default thereof, the affairs of the corporation shall be wound up, and they shall cease to do business.

Several liability.

XII. If the affairs of the corporation are not wound up, as directed in the preceding Section, and they should proceed to do business, then the President and Directors shall be jointly and severally liable to make good all engagements of the company incurred after the reduction of the capital as aforesaid: *Provided*, That nothing in this Section shall be so construed as to extend to any President and Director who shall dissent to the proceedings of the company in these particulars, and who shall enter his protest on the minutes of the Board, and publish the same in the daily gazettes

of the city of Charleston, or who shall be absent from the State during the six months in which the deficiency of capital should have been made up.

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XIII. The said corporation shall be, and they are hereby, invested with full power to enforce upon their members the due observance of all laws, rules and regulations for their better government, under such penalties as they shall, in and by such by laws, limit and prescribe; and to this end, if need be, shall and may institute and maintain, in their said corporate name, against any one or more of their members, either at law or in equity, all just and necessary suits, actions and pleas, for the recovery of any sum or sums of money to the use of the said corporation, in as ample a manner as such suits might be maintained against persons not members of the said corporation, any law, usage or custom to the contrary thereof, in any wise notwithstanding.

Power over members.

XIV. In all elections and other corporate acts done by the stockholders of the said company, every stockholder shall be entitled to one vote for each share owned by him or her, or standing in his or her name: *Provided*, That no stockholder shall be entitled to more than forty votes.

Votes proportioned to shares.

XV. One-fourth of the capital of the said company shall be paid in and satisfactory proof thereof furnished to the Comptroller General before the said company shall be authorized to commence business.

Business, when to begin.

XVI. The books of the said company shall be examined from time to time by such person or persons as the Legislature may, for that purpose, appoint; and the person so appointed shall have full power to examine upon oath, to compel the attendance of witnesses and the production of papers, and inquire into the management of the company; and in cases of mismanagement or violation of their charter, the said company may be proceeded against by *scire facias*, in the Court of Common Pleas and General Sessions for Charleston District, and, upon conviction, shall be liable to have their charter annulled by the judgment of the Court.

Books, Legislature reserves power to examine.

XVII. This Act shall continue and be in full force for twenty-one years, and no longer.

XVIII. At least one-half of the capital of the said company shall be permanently invested in stock or bonds of this State, or the city of Charleston, or of the Confederate States, or in any other good stocks or bonds of incorporated companies within this State, and the company may transfer and sell said stocks, or any part thereof, for the purpose of reinvestment, whenever a due regard to the safety of its funds may require: *Provided, however*, That the company shall not deal or trade in buying and selling any goods, wares, merchandise or commodities whatever.

Capital, proportion to be invested.

XIX. The Board of Directors of the said company are empowered to call in the instalments on the shares of the capital stock, in such sums, and at such times, as they may deem advisable: *Provided*, Two weeks' notice be given of such call. And the said

Instalments.

A. D. 1861. instalments shall be payable in the same medium as hereinbefore provided as to the first instalment of five dollars.

In the Senate House, the twenty-first day of December, in the year of our Lord one thousand eight hundred and sixty-one, and in the eighty-sixth year of the sovereignty and independence of the State of South Carolina.

WILLIAM D. PORTER, President of the Senate.
JAMES SIMONS, Speaker House of Representatives.

No. 4585. AN ACT TO AMEND AN ACT ENTITLED "AN ACT TO AID IN THE CONSTRUCTION OF THE GEORGETOWN RAILROAD."

Endorsement
of bonds, con-
dition of.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the first Section of an Act entitled "An Act to aid in the construction of the Georgetown Railroad," ratified the twenty-eighth day of January, in the year of our Lord one thousand eight hundred and sixty-one, be, and the same is hereby, altered and amended, so as to read as follows: "That whenever the Georgetown Railroad Company shall have procured *bona fide* subscriptions for the capital stock in said company, to an amount sufficient to grade, bridge and prepare for the iron rails, twenty miles of said road, and it shall be shown by said company to the Governor of the State that said subscriptions are good and solvent, and whenever said company shall have graded, bridged, and shall have ready to put down the necessary timbers for the reception of rails, and fully prepared a section of twenty miles of said road, in a good and substantial manner, with good materials, for putting on the iron rails and equipments, and the Governor shall be notified of these facts, and that said section, or any part thereof, is not subject to any lien whatever, other than that created in favor of the State by this Act, by the written affidavits of the President and Chief Engineer of said company, then the Governor shall cause to be endorsed by the Comptroller General, upon the bonds of the said company, to an amount not exceeding five thousand dollars per mile of said section, the guarantee of the State of South Carolina, pledging therefor the faith and funds of the State, which bonds shall be payable at such place in the Confederate States as the President of the company may designate, bearing an interest of six per centum per annum, payable semi-annually, and not having more than twenty years to mature.

II. That the fourth section of the said Act be altered and amended so as to read as follows: That when the said company shall have prepared, as aforesaid, a second section, or any additional number of sections, of twenty miles each, of said road, connecting with the section already completed, for the iron rails, chairs, spikes and equipments, as provided in the first Section of this Act, and the

Governor shall be notified of the facts, as before provided, he shall, in like manner, cause to be endorsed for said company like bonds of the said company, to an amount not exceeding five thousand dollars per mile, for each and every section of twenty miles of said road so prepared as aforesaid, but upon the terms and conditions hereinbefore provided; and upon the endorsing of said bonds, the State of South Carolina shall be invested with a like mortgage or lien, without a deed from said company, upon said first and additional section or sections of said road so prepared, upon the rails and equipments, put or to be put upon the same, for the payment of said bonds, and the accruing interest thereon: *Provided*, That if the last section of said road shall be less than twenty miles, bonds of the said company shall be endorsed as aforesaid, for such section, for an amount in proportion to the distance, as provided in this Act; but upon the same terms and considerations, in all respects, as required in regard to the bonds to be issued for the other sections of said road. And when the whole of said road shall be completed, the State of South Carolina shall be invested with a lien, without a deed from the company, upon the entire road, including the stock, right of way, grading, bridges, masonry, iron rails, spikes, chairs, and the whole superstructure and equipments, and all the property owned by the company, as incident to or necessary for its business, for the payment of all said bonds endorsed as aforesaid, as provided in this Act, and for the interest accruing on said bonds. And after the Governor shall have caused bonds to be endorsed, as provided in the first Section of this Act, for the first section of the road, it shall not be lawful for said company to give, create, or convey to any person or persons, or body corporate whatever, any lien, incumbrance or mortgage of any kind, which shall have priority over, or come in conflict with, the lien of the State herein secured; and any such lien, incumbrance or mortgage shall be null and void, as against said lien or mortgage of the State; and the said lien or mortgage of the State shall have priority over all other claims existing or to exist against said company.

A. D. 1861.

In the Senate House, the twenty-first day of December, in the year of our Lord one thousand eight hundred and sixty-one, and in the eighty-sixth year of the sovereignty and independence of the State of South Carolina.

WILLIAM D. PORTER, President of the Senate.

JAMES SIMONS, Speaker House of Representatives.

AN ACT TO INCORPORATE THE PALMETTO LYCEUM OF CHARLESTON. No. 4586.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That Edwin Heriot, President; Samuel L. Hammond

Charter members.

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and Henry Sparnick, Vice Presidents; Virgil C. Dibble, Recording Secretary; Peter Gowan, Jr., Corresponding Secretary; Milwood W. Heath, Treasurer, of the Palmetto Lyceum of Charleston, and their associates and successors, be, and the same are hereby declared to be, a body politic and corporate, by the name and style of the "Palmetto Lyceum of Charleston."

Privileges and liabilities.

II. That said corporation may sue and be sued, plead and be impleaded, in any Court of law or equity in this State; may have succession of officers; may adopt and use a common seal, and the same may alter at pleasure; may make, and, from time to time, alter or modify such by-laws, rules and regulations, not inconsistent with the laws of the land, for the organization and regulation of the said corporation, as may be deemed necessary or expedient; may be capable of holding any real estate, not exceeding the value of ten thousand dollars, and generally may have and enjoy all the rights and privileges incident to bodies corporate.

III. That this Act shall be deemed a public Act, and shall continue in force for fourteen years.

In the Senate House, the twenty-first day of December, in the year of our Lord one thousand eight hundred and sixty-one, and in the eighty-sixth year of the sovereignty and independence of the State of South Carolina.

WILLIAM D. PORTER, President of the Senate.
JAMES SIMONS, Speaker House of Representatives.

NO. 4587. AN ACT TO INCORPORATE THE SOUTHERN EXPRESS COMPANY.

Corporators.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That Charles M. Furman, Charles V. Chamberlain, F. W. Dillard, John E. Bacon, J. A. Harman, D. A. Reese, B. F. Ficklin, and their associates, successors and assigns, be, and they are hereby declared to be, a body corporate and politic, by the name of the Southern Express Company, for the purpose of an express transportation business.

Name.

Capital stock.

II. The capital stock of said company shall be five hundred thousand dollars, and shall be divided into shares of one hundred dollars each; and in case the said capital stock be found insufficient for its purposes, such company may increase its capital stock, from time to time, to such amount as may be deemed necessary for the purpose aforesaid, not exceeding one million of dollars. Such increase must be sanctioned by a vote, in person or by proxy, of two-thirds in amount of stock of the company, present or represented at a meeting of such stockholders.

Business, when company may commence

III. The said company may commence business as soon as its capital stock is fully subscribed and fifty thousand dollars of the same paid up; and on such subscriptions being made, any five subscribers to said stock may call a general meeting of the stockholders of the said company, by serving a notice, signed by them,

of the time and place of such meeting, twenty days at least before the time of holding the same, on each stockholder personally, or by leaving it at his residence, or by putting the same in the post office at Richmond, directed to him at his usual or reported place of residence, and paying the postage thereon: *Provided, however,* That any other mode or time of calling said meeting shall be lawful, if all the stockholders consent thereto in writing, or are represented thereat. At the meeting convened as aforesaid the said company shall elect, by a majority of votes there present or represented, not less than five nor more than nine persons, being stockholders of the said company, to act as Directors of the said corporation, who shall represent the said company and manage the business thereof. Vacancies in the Board of Directors shall be filled in such manner as shall be prescribed by the by-laws of the corporation.

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IV. At the first meeting of the said Board of Directors after their election, they shall elect one of their number as President of the said corporation, and may elect a Vice-President, and such other officers as they may deem advisable. The Directors of this company shall hold their offices for one year, and until others are chosen.

Officers, elections of.

V. In case it shall, at any time, happen that an election of Directors be not made at the time designated, or on the days when by the by-laws of said company it ought to be done, it shall and may be lawful to hold the same on any other day designated by said company. And in case any annual meeting of stockholders shall not be held, by reason of neglect of the Directors, it shall be in the power of any of the stockholders holding one hundred shares of the capital stock, to call such meeting, for the purpose of electing Directors and other purposes, by giving the notice as hereinafter prescribed; and for that purpose they shall have access to the stock list and transfer books of said company, and all information necessary to the giving of such notice.

Elections, may be held on other than days fixed.

VI. *And be it further enacted,* That the Directors of such company shall have power to make and prescribe such by-laws and regulations as they shall deem proper, respecting the management and disposition of the property and estate of such company, the duties of the officers, agents, artificers and servants, by them to be employed; to appoint such and so many officers, clerks and servants, for carrying on the business of said company, and with such salaries and wages, as to them shall seem reasonable: *Provided, however,* That such by-laws be not inconsistent with any existing law.

By-laws.

VII. The said company shall have power to do an express transportation business, by land or by water, for the conveyance of persons and property of every kind, from, to and between any place in the Confederate States and any place in or beyond the limits of the Confederate States, in their own conveyance or those of other persons; and to create and organize branch agencies for the same purpose; and to hire, establish and maintain store-houses, warehouses and other buildings, and to purchase land to build thereon such store-houses, warehouses and other buildings as may be required for the safe keeping of anything entrusted to them for conveyance; and shall have power to indemnify themselves by insurance against loss or

General powers.

A. D. 1861.

damage by fire, or the risk of navigation and transportation of any goods, wares, merchandise or other property in their custody, received by them for transportation, or held by them as their property: *Provided*, That this Act shall not be so construed as to give the said Southern Express Company any right or authority to build, purchase, occupy or establish any railroad or steamboat line, except to be employed between any port in the Southern Confederacy and foreign ports, or other like means of transportation; nor shall the same be so construed as to require any railroad or steamboat line established in part or in whole within the limits of the Confederate States, to do or perform transportation service, as herein contemplated, for or on account of the said Southern Express Company.

Principal office.

VIII. The principal office of said company shall be kept at Charleston, unless the same be changed by a vote of two-thirds of the Directors, at a meeting called for that purpose, to any other place in the State; and the said company may establish as many branch or local offices as their business may require.

Meetings.

IX. The regular meeting of the Board of Directors of said company shall be held at the principal office of said company, or at such other place in the State as the by-laws or the Board of Directors may designate; but said company may hold special meetings of its Directors, for the transaction of business, at any place which the by-laws of said company may designate, or which the majority of the Directors, with the approval of the President, may appoint.

Freight and baggage unclaimed, how disposed of.

X. If the said company shall have had unclaimed freight or baggage, not perishable, in its possession for the period of at least one year, it may proceed and sell the same at public auction, after giving notice to that effect in one or more newspapers published in the State, or at the place where such goods are to be sold, once a week, for not less than four weeks; and shall also keep a notice of such sale posted for the same time in a conspicuous place in the principal office of the said company. Said notice shall contain, as near as practicable, a description of such freight or baggage, the place and time when and where left, together with the name and residence of the owner of the freight or baggage, or person to whom it is consigned, if the same be known.

Moneys therefrom, how disposed of.

XI. All moneys arising from the sale of freight or baggage, as aforesaid, after deducting therefrom charges and expenses for the transportation, storage, advertising, commissions for selling the property, and any amount previously paid for advances on such freight and baggage, shall be paid by the company to the persons entitled to receive the same. And the said company shall keep books of record of all such sales as aforesaid, containing copies of such notices, proofs of advertisements and posting, affidavit of sale, with the amount for which each parcel was sold, the total amount of charges against such parcel, and the amount held in trust for the owner; which books shall be opened for inspection by claimants, at the principal office of the said company, and at the office where the sale was made.

Stockholders personally responsible.

XII. That the stockholders in the said company shall be personally responsible for the amount equal to the amount of stock held by each, for any loss of, or damage on, goods, moneys, or other property entrusted to the said company for transportation, and for any contract made, or liability incurred by them.

XIII. That no right of property to this franchise shall invest until the minimum amount of capital is subscribed, and fifty thousand dollars actually paid, of which fact it shall be the duty of the company to inform the Governor, in the same manner that the officers of a bank about to be put into operation are required to do. And when said company shall be organized and ready to go into operation, it shall be the duty of the presiding officer and Treasurer to make a statement, upon oath, to the Comptroller General, of the amount of capital paid in, and to make a like statement every six months thereafter, with an additional statement of their profits and gross receipts; and for failing to make such report, they shall forfeit and pay into the public treasury one thousand dollars for each failure, to be recovered by motion, after ten days' notice.

A. D. 1861.

Franchise,
when to attach.

XIV. This Act shall be subject to modification and repeal at the pleasure of the General Assembly. Act repealable.

XV. Any action at law or suit in equity, against the said company, may be commenced by any person residing in this State, by personal service of process on the local agent or officer of said company in charge of its affairs in the District in which such person considering himself aggrieved may reside, or in any District through which the lines of transportation of said company may pass, if there shall be no local agent or officer in the District in which the person commencing such suit may reside: *Provided*, That nothing herein contained shall be construed to prevent the commencement of any suit in equity or action at law in the manner heretofore provided by law.

Suits, how
commenced.

In the Senate House, the twenty-first day of December, in the year of our Lord one thousand eight hundred and sixty-one, and in the eighty-sixty year of the sovereignty and independence of the State of South Carolina.

WILLIAM D. PORTER, President of the Senate.

JAMES SIMONS, Speaker House of Representatives.

AN ACT TO ESTABLISH CERTAIN ROADS, BRIDGES AND FERRIES, AND TO RENEW AND AMEND CERTAIN CHARTERS HERETOFORE GRANTED. No. 4588.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That a new road in York District, from the residence of Joseph McCash, on the Yorkville and Rutherfordton road, to Gaffney's Ferry, on Broad River, about two miles long, be opened and laid out by M. L. Ross, W. L. Hopson, and L. H. Anthony, and then turned over to the Commissioners of Roads of the said District, and is then hereby declared to be a public road, on the condition that the owners of the land over which said road will pass shall grant the right of way without charge to the State.

New Road,
York District.

A. D. 1861.

New Road,
Orange Parish.

II. That the Commissioners of Roads for Orange Parish do lay out and open a new road, leading from Rowe's Pump, on the South Carolina Railroad, westward, to the Orangeburg and Charleston road, near the residence of Mrs. Susan Bowman, along its present route and track, by the residence of James Cox, Francis Baxter, Thomas P. Stokes, Lewis J. Crum, and others; and when so laid out and opened, the said road be, and the same is hereby declared to be, a public road.

Galarant's
Ferry.

III. That Galarant's Ferry, over the Little Pee Dee River, be established as a public ferry, and vested in Mathew Martin, his heirs and assigns, for the term of fourteen years, with the following rates of toll: For footman, five cents; for man and horse, ten cents; for all carriages drawn by one horse or mule, or an ox cart, twenty-five cents; for all carriages drawn by two horses, mules, or oxen, thirty-five cents; for all carriages drawn by three horses, mules, or oxen, fifty cents; for all carriages drawn by four horses, mules, or oxen, seventy-five cents; for all carriages drawn by five horses, mules, or oxen, one dollar; for cattle, five cents per head; for hogs and sheep, three cents per head.

Bridge, An-
derson and
Greenville Dis-
tricts.

IV. That the citizens of Anderson and Greenville Districts, living in the neighborhood of Hiram Cooly's Bridge, over Saluda River, as now erected, shall have the privilege to keep up, in good repair, a bridge which they have now erected over Saluda River, near the bridge of the said Hiram Cooly, which bridge shall be a free bridge to the public, at which no one shall be charged toll for crossing. That the said bridge be kept in good repair by the labor, and at the cost, of those persons who have contributed money, means or labor to erect the present bridge. This privilege shall continue in force so long as the said persons shall keep up the same, and the roads leading thereto, without expense to the public.

Bridge, Salu-
da River.

V. That Hiram Cooly be permitted to keep up the bridge over Saluda River, as it now is, for the term of fourteen years, as a toll bridge, and he shall receive such tolls thereat as he received under and while his former charter existed; but this privilege to the said Hiram Cooly shall not interfere with any of the rights or privileges hereinbefore, by the fourth Section of this Act, granted to certain persons named therein.

New Road,
St. George, Dor-
chester.

VI. That the new road now existing and used, leading from Summerville, in the Parish of Saint George, Dorchester, to Bacon Bridge, on Ashley River, about four miles long, be, and is hereby, declared to be a public highway; and shall be worked on, and kept in good order as such, by the Commissioners of Roads of the Lower Board in the Parish of Saint George, Dorchester, in the District of Colleton. But the said Commissioners of Roads shall first obtain the right of way from the proprietors of the land over which the said road shall be laid out.

New Road,
Edgefield Dis-
trict.

VII. That a new road be laid out in Edgefield District, running from Aiken to Edgefield Court House, about two miles from Aiken, and intersecting the Leesville Road, or the public road running by Charles Plunket's, about one mile south of said Plunket's: *Provided*, That the consent of land owners be first obtained, without cost to the State: That T. G. Croft, Andrew Jordan and Charles Plunket be appointed Commissioners, with power to lay

out the said road, and have the same cleared out; and that said road be declared a public highway, and turned over to the Commissioners of Roads for said District.

A. D. 1861.

In the Senate House, the twenty-first day of December, in the year of our Lord one thousand eight hundred and sixty-one, and in the eighty-sixth year of the sovereignty and independence of the State of South Carolina.

WILLIAM D. PORTER, President of the Senate.
JAMES SIMONS, Speaker House of Representatives.

AN ACT TO REGULATE THE REPORTS OF THE RAILROAD COMPANIES, AND FOR OTHER PURPOSES. No. 4589.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the several railroad companies chartered by this State be, and the same are hereby, required to file in the Comptroller General's office, on or before the first day of October, in each year, reports, according to the following schedule, viz:

Railroad companies to make reports.

And any Railroad Company which shall fail to make such report shall be liable to a penalty of one hundred dollars, to be recovered by action of debt in any Court having jurisdiction.

A. D. 1861.

II. That all Acts and clauses of Acts requiring Railroad Companies to make reports of their condition to the Legislature be, and the same are hereby, repealed.

Existing Acts repealed.

III. That it shall be the duty of the Comptroller General to collate the said reports in one general abstract, and publish the same with his Annual Report; and also to report any Railroad Company which shall fail to make such report.

In the Senate House, the twenty-first day of December, in the year of our Lord one thousand eight hundred and sixty-one, and in the eighty-sixth year of the sovereignty and independence of the State of South Carolina.

WILLIAM D. PORTER, President of the Senate.
JAMES SIMONS, Speaker House of Representatives.

AN ACT TO AUTHORIZE THE FORMATION OF A VOLUNTEER COMPANY OF LIGHT ARTILLERY, AND TO INCORPORATE THE SAME, BY THE NAME OF THE "WACCAMAW LIGHT ARTILLERY."

No. 4590.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the Adjutant and Inspector General of the State of South Carolina be, and he is hereby, empowered to inspect and receive into the thirty-third regiment of South Carolina Militia, a new volunteer company of light artillery, to be styled the "Waccamaw Light Artillery," any law to the contrary hereof notwithstanding.

Adjutant and Inspector General to inspect and receive.

II. That the said company shall have attached to the same one Captain, three Lieutenants, five Sergeants, four Corporals, and one Secretary and Treasurer, and shall not consist of more than one hundred or less than forty men, including officers, non-commissioned officers and privates; and whenever it shall be reduced under the number of forty men, above required, and shall not recruit to such number within six months after notice to its commander to fill up its ranks, it shall be disbanded, and the commissions of its officers vacated.

Officers.

III. That the said company, as soon as it shall have been received, as herein provided for, be, and the same is hereby declared to be, a body politic and corporate, under the name and style of the "Waccamaw Light Artillery," for the term of fourteen years from the ratification of this Act, with all such powers as are incident to, and all such liabilities as are now imposed by law upon, like corporations.

Incorporation, company an.

IV. That the said company shall have the power to adopt a constitution and by-laws, and enforce the same by all needful rules and regulations; to hold company courts martial, to be appointed by the officer in command, for the trial of all offences created by such

Corporate powers.

A. D. 1861.

constitution and by-laws, and to collect, by process of execution, as now provided for by law, all fines and penalties which shall be imposed by such company courts martial.

Sheriff to enforce process.

V. That it shall be the duty of the Sheriff of Georgetown District to enforce all legal process issuing from the courts martial of said company, and make return thereof to the Secretary and Treasurer of said company, within three months after the same may have been lodged, under a penalty of fifty dollars for each and every failure so to do.

In the Senate House, the twenty-first day of December, in the year of our Lord one thousand eight hundred and sixty-one, and in the eighty-sixth year of the sovereignty and independence of the State of South Carolina.

WILLIAM D. PORTER, President of the Senate.
JAMES SIMONS, Speaker House of Representatives.

No. 4591. AN ACT TO AID IN THE CONSTRUCTION OF THE BARNWELL RAILROAD.

Bonds, to be
endorsed by
State.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That whenever the Barnwell Railroad Company shall have graded, bridged, and shall have ready to put down the necessary timbers for the reception of the rails, and fully prepared the said road, in a good and substantial manner, with good materials, for putting on the iron rails, and the Governor shall be notified of the fact, and the said road is not subject to any lien whatsoever other than that created in favor of the State by this Act, by the written affidavit of the President and Chief Engineer of said company, then the Governor shall cause to be endorsed by the Comptroller General, upon the bonds of the said company, to an amount not exceeding five thousand dollars per mile of the said road, the guarantee of the State of South Carolina, pledging therefor the faith and funds of the State, which bonds shall be payable at such place in the Confederate States as the President of the company may designate, bearing an interest of seven per centum per annum, payable semi-annually, and not having more than twenty years to mature.

Endorsed
bonds, restriction
upon their
use.

II. That the bonds endorsed as aforesaid shall not be used by said company for any other purpose than for procuring the iron rails, chairs, spikes and equipments for said road, and for putting down said iron rails, and the Governor shall not cause the same to be endorsed unless upon the affidavit of said President, and a resolution of a majority of the Board of Directors for the time being, that said bonds shall not be used for any other purpose than for procuring the said iron rails, chairs, spikes and other equipments for said road, and for putting down said iron rails.

Lien, endorsed
bonds to be a

III. That as soon as any such bonds shall have been endorsed for the said road, as aforesaid, they shall constitute a lien upon said road, including the road-bed, right of way, grading, bridges and

masonry, upon all the stock subscribed for in said company, and upon said iron rails, chairs, spikes and equipments, when purchased and delivered; and the State of South Carolina, upon the endorsing of the said bonds, and by virtue of the same, shall be invested with said lien or mortgage, without a deed from the company, for the payment by said company of said bonds, with the interest.

IV. That when the whole of said road shall be completed, the State of South Carolina shall be invested with a lien, without a deed from the company, upon the entire road, including the stock, right of way, grading, bridges, masonry, iron rails, chairs, spikes, and the whole superstructure and equipments, and all the property owned by the company, as incident to or necessary for its business, for the payment of all of said bonds, endorsed as aforesaid, as provided in this Act, and for the interest accruing on said bonds. And after the Governor shall have caused bonds to be endorsed, as provided in the first Section of this Act, for the said road, it shall not be lawful for said company to give, create or convey, to any person or persons, or body corporate whatever, any lien, incumbrance or mortgage of any kind, which shall have priority over, or come in conflict with, the lien of the State herein secured; and any such lien, incumbrance or mortgage, shall be null and void, as against said lien or mortgage of the State; and the said lien or mortgage of the State shall have priority over all other claims existing or to exist against said company.

V. That the State expressly reserves the right to enact, hereafter, all such laws as may be deemed necessary to protect the interest of the State, and to secure it against any loss in consequence of the endorsing of bonds under the provisions of this Act, but in such manner as not to impair the vested rights of the stockholders of the company.

A. D. 1861.

State to be
invested with a
lien.

Protective
laws, State
may enact.

In the Senate House, the twenty-first day of December, in the year of our Lord one thousand eight hundred and sixty-one, and in the eighty-sixth year of the sovereignty and independence of the State of South Carolina.

WILLIAM D. PORTER, President of the Senate.

JAMES SIMONS, Speaker House of Representatives.

AN ACT TO INCORPORATE CERTAIN SOCIETIES, ASSOCIATIONS AND COMPANIES, AND TO RENEW AND AMEND THE CHARTERS OF OTHERS, AND FOR OTHER PURPOSES.

No. 4592.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the officers and privates composing the volunteer corps of heavy infantry known as the "Jasper Greens," and attached to the fourth brigade of South Carolina militia, and of the corps of light infantry known as the "Beauregard Light Infantry," and attached to the first regiment of rifles of the same brigade, be, and they are hereby, declared bodies politic and corporate, by the name

Jasper Greens.

A. D. 1861.

Beauregard
Light Infantry.

and style, respectively, of the "Jasper Greens" and the "Beauregard Light Infantry;" that the said companies shall have succession of officers, and shall have the power to hold estate, real and personal, to the value of five thousand dollars, and the same, or any part thereof, to alien, sell or transfer; to have and use a corporate seal; to make all needful by-laws, rules and regulations, not repugnant to the laws of the land; to hold company courts martial, for the trial of cases of default and of infraction of the by-laws, rules or regulations of the company; to issue process, in the nature of an execution, for the collection of all fines imposed by such courts, which process shall have the same force and effect, and be executed in the same manner, as now required by law in case of process issued by other courts martial, and be returned to said companies, or to such officer thereof as the process may direct; to sue and be sued; and shall have all other rights, powers and privileges incident to bodies corporate: *Provided*, That nothing herein contained shall be construed to exempt the said companies from any military service that may be required by the laws of this State, or from answering for default of such service to any court martial of the brigade or regiment to which said companies may be attached.

South Caro-
lina Rangers.

II. That the South Carolina Rangers, of the city of Charleston, be, and the same are hereby, declared to be a body politic and corporate, under the name and style of the "South Carolina Rangers," for the term of fourteen years from the ratification of this Act, with all such powers as are incident to, and all such liabilities as are now imposed by law upon like corporations; and that the said company shall have power to adopt a constitution and by-laws, and enforce the same by all needful rules and regulations; to hold company courts martial, to be appointed by the officer in command, for the trial of all offenses created by the constitution and by-laws; and to collect, by process of execution, as now provided for by law, all fines and penalties which shall be imposed by such company courts martial; that the said company shall be attached to such regiment of the fourth brigade as they shall think proper to select, and be constituted, as to number of officers, non-commissioned officers and privates, as provided for a corps of cavalry by the Military Act of Assembly of one thousand eight hundred and forty-one.

South Caro-
lina Comman-
dery, Knights
Templar.

III. That John B. Frazer, G. W. Spence, and G. W. Skrine, and others, who are now, or may hereafter be, associated with them as members of an association known as "South Carolina Commandery, No. 1, Knights Templar," be, and they are hereby, declared a body politic and corporate, by the name and style of "South Carolina Commandery, No. 1, Knights Templar," with power to invest funds in estate, real and personal; and to have and exercise all the rights, powers and privileges incident to bodies corporate.

Cheraw Bridge
Company.

IV. That the charter heretofore granted to the "Cheraw Bridge Company" be, and the same is hereby, renewed and extended, with all the rights and privileges heretofore granted.

Charleston
Zouave Cadets.

V. That the officers and privates composing the volunteer corps known as the Charleston Zouave Cadets be, and they are hereby, declared a body politic and corporate, by the name and style of the "Charleston Zouave Cadets;" that the said company shall have the power to hold estate, real and personal, to the value of five thousand

dollars, and the same, or any part thereof, to alien, sell or transfer; to make all needful by-laws, rules and regulations, not repugnant to the laws of the land; to hold company courts martial, for the trial of cases of default and of infraction of the by-laws, rules or regulations of the company; to issue process, in the nature of an execution, for the collection of all fines imposed by such courts, which process shall have the same force and effect, and be executed in the same manner as now required by law in cases of process issued by other courts martial, and be returned to the said company, or to such officer thereof as the process may direct; to have succession of officers and members; to sue and be sued; and shall have all other rights, powers and privileges incident to bodies corporate: *Provided*, That nothing herein contained shall be construed to exempt the said company from any military service that may be required by the laws of this State, or from answering for default of such service to any courts martial of the brigade or regiment to which said company is attached. That all the rights, powers and privileges conferred by this Act on the South Carolina Rangers be, and the same are hereby, conferred on the Marion Rangers, commanded by Captain John B. Earnest, in the fourth brigade South Carolina Militia.

A. D. 1861.

VI. That the charter heretofore granted to the town of Summerville be so amended as to empower the said Town Council to raise, annually, by taxation, for the uses of said corporation, a sum not exceeding five hundred dollars; and that said Council be further empowered to impose a tax on horses and carriages of every kind, kept in said town, whether by permanent or transient residents; and upon carts and wagons used in said town by non-residents, for hire, or conveying lumber, freight and baggage about the town: *Provided*, That the part lying within the corporate limits of said town, of the farm belonging to Samuel Kingman, be exempted from all taxation by said Town Council, so long as there shall be no building thereon.

Summerville,
amendment of
charter of town
of.

VII. That this Act shall be, and is hereby declared to be, a public Act, and shall continue of force for the term of fourteen years.

In the Senate House, the twenty-first day of December, in the year of our Lord one thousand eight hundred and sixty-one, and in the eighty-sixth year of the sovereignty and independence of the State of South Carolina.

WILLIAM D. PORTER, President of the Senate.
JAMES SIMONS, Speaker House of Representatives.

AN ACT TO AMEND AN ACT ENTITLED "AN ACT CREATING A MILITARY ESTABLISHMENT FOR THE STATE OF SOUTH CAROLINA, AND FOR OTHER PURPOSES."

No. 4593.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the

A. D. 1861.
 Amendments.

same, That the third Section of an Act entitled "An Act creating a Military Establishment for the State of South Carolina, and for other purposes," ratified the twenty-eighth day of January, in the year of our Lord one thousand eight hundred and sixty-one, be, and the same is hereby, altered and amended, so as to read as follows, viz: That there shall be one regiment of artillery, which shall consist of the officers allowed by the laws of the Confederate States of America to regiments of artillery, and not less than eight companies; and each company shall consist of one captain, two first lieutenants and one second lieutenant, five sergeants, four corporals, two artificers, two musicians, and not less than sixty nor more than one hundred privates, and one company of artillery may be equipped as a harnessed battery of light or flying artillery.

II. That the fifth Section of the said Act be, and the same is hereby, altered and amended, so as to read as follows, viz: That there shall be one squadron of cavalry, convertible into infantry or artillery, as the War Department may direct, which shall consist of one major, one adjutant and one quartermaster, one sergeant major, one quartermaster sergeant, and four companies, each of which shall consist of one captain, one first lieutenant and one second lieutenant, four sergeants, four corporals, two musicians, two artificers, and not less than sixty nor more than one hundred privates.

III. That the tenth Section of the said Act be, and the same is hereby, altered and amended, so that the enlistments made thereunder shall be for a period of three years, or during the continuance of the war between the United States and the Confederate States of America, unless the persons so enlisted shall be sooner discharged, and all re-enlistments shall be for a period of three years, or during the continuance of the said war, unless the non-commissioned officers and privates so re-enlisted shall be sooner discharged: *Provided*, That nothing herein contained shall be construed as making provisions for the maintenance of a military force of any kind for a longer period than while they are in the service of the Confederate States of America.

IV. That the second, sixth, seventh and eighth Sections of the said Act be, and the same are hereby, repealed.

In the Senate House, the twenty-first day of December, in the year of our Lord one thousand eight hundred and sixty-one, and in the eighty-sixth year of the sovereignty and independence of the State of South Carolina.

WM. D. PORTER, President of the Senate.
 JAMES SIMONS, Speaker House of Representatives.

AN ACT TO AMEND THE CHARTER OF THE UNION LIGHT INFANTRY CHARITABLE SOCIETY AND COMPANY.

A. D. 1861.

No. 4594.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the charter of the Union Light Infantry Charitable Society and Company be, and the same is hereby, amended, so that the said society shall have power to elect honorary and actual members who are not members of the said company, and that it shall not hereafter be requisite that the members of the said society shall be members of the said company.

Amendment of charter.

II. That the said company shall be held and taken as a body corporate and politic, separate from the said society, and shall not consist of less than forty men, including officers, non-commissioned officers and privates, any law to the contrary notwithstanding; that it shall have power to adopt a constitution and by-laws, and to enforce the same, hold company courts martial, to be composed of the commissioned officers, for the trial of all offenses created by said constitution or by-laws, and to issue execution for the same, under the hand and seal of the commanding officer.

Incorporated.

III. That it shall be the duty of the Sheriff of Charleston District to execute any process of fine directed to him under said hand and seal: *Provided*, That no fine be imposed for a larger amount than twenty dollars; that all fines collected shall be paid to the commanding officer aforesaid; and on the failure of said Sheriff to execute said process, a rule may issue on the suit of said officer, returnable to the next term of Court—said rule to be issued by the Clerk of Common Pleas for Charleston District, requiring said Sheriff to show cause why he has not enforced said execution; and no cause being shown, he shall forfeit the sum of fifty dollars to said company, judgment for which shall be signed instant.

Sheriff to execute process.

IV. That the charter herein granted to said society and company shall expire with the limitation of the original charter; and the members of said company shall not be liable to do militia or patrol duty other than in said company.

Limitation of charter.

In the Senate House, the twenty-first day of December, in the year of our Lord one thousand eight hundred and sixty-one, and in the eighty-sixth year of the sovereignty and independence of the State of South Carolina.

WILLIAM D. PORTER, President of the Senate.
JAMES SIMONS, Speaker House of Representatives.

A. D. 1861.

No. 4595.

AN ACT TO INCORPORATE THE FLORENCE AND FAYETTEVILLE RAILROAD COMPANY.

Railroad, au-
thority to build
a.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That for the purpose of forming a railroad communication between Florence, in this State, and the town of Fayetteville, in the State of North Carolina, the formation of a corporate company is hereby authorized, to be called "The Florence and Fayetteville Railroad Company," which company, when formed, are hereby authorized to construct a railroad from Florence to a point at or near McInnis' Bridge, on Little Pee Dee River, and thence to Fayetteville, in the State of North Carolina, following, throughout its length, a line between said points, as nearly direct as may be consistent with the most economical construction of said road.

Capital stock.

II. That the capital stock of said company shall be fifteen hundred thousand dollars, to be divided in shares of one hundred dollars each, with the privilege of increasing said capital, at any time after the company is organized, to an amount not exceeding three million dollars, in like shares of one hundred dollars each.

Commission-
ers to receive
subscriptions.

III. That for the purpose of raising such capital stock, books of subscription are hereby authorized to be opened at the following places, and by the following persons, as Commissioners, that is to say: At Harleesville, in Marion District, by A. W. Bethea, A. S. McCormick and James McRae; and at Clio, in Marlborough District, by Charles McRae, John A. McRae and P. B. McLauren; with power in said Commissioners, or any three of them, to appoint Commissioners at such other places as they may think proper; which books of subscription may be opened at any time, and from time to time, as the said Commissioners herein named, or a majority of them, shall determine, upon first giving at least thirty days' public notice of the time and place of opening said books.

Organization.

IV. That whenever the sum of three hundred thousand dollars shall have been subscribed by responsible individuals, companies or corporations, to the capital stock of said company, and an instalment of five dollars on each share paid in cash, it shall be lawful for said company to organize and proceed to the construction of the said railroad; and for the purpose of so organizing, it shall be the duty of the Commissioners herein named to call a meeting of the stockholders, fixing the time and place of such meeting.

General powers

V. That for the purpose of organizing said company, and of continuing the said railroad, the said company is hereby invested with all the powers and privileges, and is made subject to all the duties and liabilities that the Wilmington and Manchester Railroad Company are invested with and subject to by an Act entitled "An Act to charter the Wilmington and Manchester Railroad Company," ratified on the eighteenth day of December, in the year of our Lord one thousand eight hundred and forty-six; and the charter of the said Wilmington and Manchester Railroad Company shall be and constitute, as far as practicable, the charter of the said Florence and Fayetteville Railroad Company.

VI. That the company hereby authorized to be formed shall not have power to discriminate on freight and travel against any of the

railroads now in operation, or which may at any time hereafter be constructed in South Carolina, but the charges of freight and travel shall be the same in every instance, agreeable to distance, under the penalty of forfeiture of their charter. That the gauge of said road shall be five feet, to correspond with the gauges of the railroads in South Carolina, throughout the entire length of road from Florence to Fayetteville, North Carolina.

A. D. 1861.

Freight and
passenger
charges, uni-
form in rate.

In the Senate House, the twenty-first day of December, in the year of our Lord one thousand eight hundred and sixty-one, and in the eighty-sixth year of the sovereignty and independence of the State of South Carolina.

WILLIAM D. PORTER, President of the Senate.

JAMES SIMONS, Speaker House of Representatives.

AN ACT TO INCORPORATE CERTAIN RELIGIOUS AND CHARITABLE SOCIETIES, AND SOCIETIES FOR THE ADVANCEMENT OF EDUCATION, AND TO RENEW AND AMEND THE CHARTERS OF OTHERS HERETOFORE GRANTED. No. 4596.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the charters of the "Hebrew Benevolent Society, of Columbia," and of "The South Carolina Sunday School Union," heretofore granted, be, and the same are hereby, renewed, with all the rights and privileges heretofore granted; and that all acts done by said corporations since the expiration of their charters be, and the same are hereby, declared as good and valid as if said charters had not expired.

Hebrew Be-
nevolent So-
ciety, of Co-
lumbia, re-
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ter.

II. That W. Peronneau Finley, E. J. C. Wood, G. D. Mims, Amery Coffin, W. F. Percival, J. H. Cornish, Lucius Cuthbert, J. G. Steedman, Edward Smith, and W. A. Merritt, Trustees of a public school now in operation in the town of Aiken, be, and they and their successors in office are hereby declared, a body politic and corporate, by the name of the "Trustees of the Aiken Public School," with power to hold property, real and personal, to an amount not exceeding at any one time the sum of twenty thousand dollars, and the same to sell, alien and convey; and to make all by-laws, rules and regulations, not repugnant to the laws of the land, as shall by them be deemed expedient for the better management of the school now in existence, under their government, or of any similar institution of a literary character which may hereafter be founded by them.

Public School
of Aiken, in-
corporation of.

III. That all free white persons who now are, or who may hereafter become, members of the Mount Lebanon Baptist Church, of Edgefield District, be, and they are hereby, declared a body politic and corporate, by the name and style of the "Mount Lebanon Baptist Church," and as such, shall have power to make by-laws necessary for the government of the same, and not repugnant to the laws of the land; to sue and be sued, by their corporate title,

Mount Le-
banon Baptist
Church, incor-
poration of.

A. D. 1861.

in any Court in this State; to have and use a corporate seal; and to have and enjoy every right, power and privilege incident to such corporations; and the said corporation is hereby empowered to hold, retain, possess and enjoy all such property, real and personal, as it may have and possess, or be entitled to, or which shall hereafter be given, bequeathed, or devised to, or in any manner acquired by it, and to sell, alien, or transfer the same, or any part thereof: *Provided*, That the amount of property so held shall in no case exceed the sum of twenty thousand dollars.

In the Senate House, the twenty-first day of December, in the year of our Lord one thousand eight hundred and sixty-one, and in the eighty-sixth year of the sovereignty and independence of the State of South Carolina.

WILLIAM D. PORTER, President of the Senate.
JAMES SIMONS, Speaker House of Representatives.

No. 4597. AN ACT TO AUTHORIZE CERTAIN BUILDING AND LOAN ASSOCIATIONS TO SUSPEND THE CALL FOR MONTHLY INSTALMENTS.

Instalments,
power to sus-
pend collection
of.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the "Palmetto Loan and Building Association," the "Savings Building and Loan Association," the "Relief Loan Association," the "Mutual Benefit Loan Association," and the "Home Loan and Building Association," are hereby authorized to suspend the call for monthly instalments, as required by their several charters, if, in the judgment of their respective Boards of Directors, such suspension shall be advisable.

II. That this Act continue of force until the first day of January, in the year of our Lord one thousand eight hundred and sixty-three.

In the Senate House, the twenty-first day of December, in the year of our Lord one thousand eight hundred and sixty-one, and in the eighty-sixth year of the sovereignty and independence of the State of South Carolina.

WILLIAM D. PORTER, President of the Senate.
JAMES SIMONS, Speaker House of Representatives.

AN ACT TO ENCOURAGE THE MANUFACTURE OF SALT WITHIN
THIS STATE.

A. D. 1861.

No. 4598.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the formation of two joint stock companies for the manufacture of salt is hereby authorized; and as soon as either of said companies shall have obtained subscriptions to the capital stock of the same, in shares of one hundred dollars each, to the amount of five thousand dollars, and the first instalment of ten dollars paid in, the Comptroller General, if satisfied of the solvency of such subscriptions, is authorized to subscribe, on behalf of the State, not exceeding five thousand dollars, to the capital stock of each company; and on his making such subscription, and paying the first instalment thereon, the company shall be considered as formed, and an Act of incorporation attach, so as to constitute the subscribers thereto a body corporate and politic, by such name and style as the said body corporate shall designate and adopt; which said company shall have perpetual succession of members, and be capable, in their corporate name, to exercise all the rights, powers and privileges incident to bodies politic and corporate, not inconsistent with the Constitution and laws of this State.

Salt, companies for the manufacture of, authorized.

Subscription by State, how made.

II. That each stockholder in any company formed under this Act, at all meetings of the stockholders, shall be entitled to a vote for every share such stockholder shall have in said company.

Votes of stockholders.

III. That each company may prescribe the manner and time of paying in the balance of the capital stock of the company, and the sale and transfer of the stock of delinquent stockholders, and require payment of any balance remaining after sale of such stock.

Capital, balance of.

IV. That the State, in no event, shall be liable on any contract or obligation of the company, to any creditor or stockholder of said company, over and above the payment of the subscription to the capital stock of such company; that the company or companies shall make annual reports, each, of its condition, to the Legislature; and that no company shall divide more than twenty per cent profit; and in case of a dissolution of a company, to make an equal division of the capital stock, or so much thereof as may remain, and profits, amongst the stockholders, and such portion thereof as shall be coming to the State be paid into the Treasury.

State not liable for acts of company.

In the Senate House, the twenty-first day of December, in the year of our Lord one thousand eight hundred and sixty-one, and in the eighty-sixth year of the sovereignty and independence of the State of South Carolina.

WILLIAM D. PORTER, President of the Senate.
JAMES SIMONS, Speaker House of Representatives.

A. D. 1861.

No. 4599.

AN ACT TO AMEND AN ACT ENTITLED "AN ACT TO INCORPORATE THE CHERAW AND COAL FIELDS RAILROAD COMPANY IN SOUTH CAROLINA," RATIFIED ON THE 21ST DAY OF DECEMBER, A. D. 1857, AND FOR OTHER PURPOSES.

New Commissioners.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the second Section of an Act entitled "An Act to incorporate the Cheraw and Coal Fields Railroad Company," ratified the twenty-first day of December, in the year of our Lord one thousand eight hundred and fifty-seven, be, and the same is hereby, amended, so that William Godfrey and Daniel B. McArn shall be substituted as Commissioners, in the place of John C. Wadsworth and James M. Threadgill, named in said Act.

Powers increased.

II. That the company chartered by said Act, when organized, and the President and Directors thereof, shall, in addition to the powers, rights and privileges granted by said Act, have all the powers, rights and privileges, and be subject to the same liabilities, except as otherwise specially provided for, as are conferred and imposed by the amendments to the charter of the Cheraw and Coal Fields Railroad Company, by an Act entitled "An Act to revive and continue in force an Act entitled 'An Act to incorporate the Cheraw and Coal Fields Railroad Company,'" passed by the General Assembly of the State of North Carolina, at the session of 1856-'57, Chapter 66, ratified on the thirteenth day of September, in the year of our Lord one thousand eight hundred and sixty-one.

In the Senate House, the twenty-first day of December, in the year of our Lord one thousand eight hundred and sixty-one, and in the eighty-sixth year of the sovereignty and independence of the State of South Carolina.

WILLIAM D. PORTER, President of the Senate.
JAMES SIMONS, Speaker House of Representatives.

No. 4600.

AN ACT TO INCORPORATE THE YORK GAS LIGHT COMPANY.

Corporators.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That John H. Adams, Henning F. Adicks, J. Rufus Bratton, Richard S. Moore, Stanhope Sadler, and others, who now are members of the York Gas Light Company, and such other persons as may become members thereof, be, and they are hereby, declared a body politic and corporate, by the name of the "York Gas Light Company," with a capital of sixteen thousand dollars, and the privilege to increase the same hereafter to any sum not exceeding thirty thousand dollars.

Powers and liabilities.

II. That the said company shall have succession of officers and members, and shall have authority to make rules and by-laws, not repugnant to the laws of the land; to have and use a common seal; to sue and be sued, plead and be impleaded, by their corporate

title, in any Court of law or equity in this State; and to have and enjoy all and every right and privilege incident and belonging to incorporated bodies.

A. D. 1861.

III. That the said company shall be able and capable, in law and equity, to have, hold, receive, possess, enjoy and retain, all such property, real and personal, as they may now be possessed of, or in any wise entitled to, or which shall have been, or shall hereafter be, given or bequeathed to, or in any way acquired by them; and shall have power to alien, sell or otherwise dispose of the same, or any part thereof: *Provided*, The amount so held by the said company shall in no case exceed in value the sum of twenty thousand dollars.

Real estate,
authority to
hold.

IV. That the capital stock of said company shall be divided into shares of one hundred dollars each, and on any increase of the capital, as hereinbefore provided for, the same shall be raised by subscription, in shares of one hundred dollars each. And at the election of officers, and on all matters that may be submitted to a vote of stockholders, each shall be entitled to one vote for each share held by him.

Capital stock.

V. That the shares in the capital stock of the said company shall be deemed personal estate, and be transferable only on the books of the said company. And no part of the said capital stock shall, at any time, or under any pretence whatever, be loaned to, or divided among the stockholders; nor shall said capital be withdrawn or divided among the stockholders until all the liabilities of the company have been fully paid; nor shall any dividend at any time be declared, except of the net earnings and profits of the company, over and above the capital.

Stock personal
property.

VI. That the said company shall have power to manufacture, make and sell gas, to be made of rosin, coal, oil, turpentine, or other material, and to furnish such quantities of gas as may be required in or near the town of Yorkville, for lighting the streets, stores, and buildings there situate, and for other purposes; to lay pipes or other conductors, for conducting gas through the streets, alleys, lanes and squares of the town of Yorkville and its vicinity.

Business.

VII. That if any person shall wilfully injure, or cause to be injured, any of the property of the said company, such person shall forfeit and pay to the said company treble the amount of damages sustained by such injury, to be recovered by action in any Court having cognizance thereof; and shall also be considered guilty of a misdemeanor, and being thereof convicted, shall be punished by fine not exceeding three hundred dollars, or imprisonment not exceeding one year.

Injury. dam-
ages for.

VIII. That this Act shall be deemed a public Act, and continue of force for the period of fourteen years.

In the Senate House, the twenty-first day of December, in the year of our Lord one thousand eight hundred and sixty-one, and in the eighty-sixth year of the sovereignty and independence of the State of South Carolina.

WILLIAM D. PORTER, President of the Senate.
JAMES SIMONS, Speaker House of Representatives.

A. D. 1861.

No. 4601.

AN ACT TO AMEND AN ACT ENTITLED "AN ACT TO RAISE SUPPLIES FOR THE YEAR COMMENCING IN OCTOBER, ONE THOUSAND EIGHT HUNDRED AND SIXTY," AND FOR OTHER PURPOSES.

Stock instead
of bonds.

I. Whereas by the provisions of an Act entitled "An Act to raise supplies for the year commencing in October, one thousand eight hundred and sixty," ratified the twenty-eighth day of January, in the year of our Lord one thousand eight hundred and sixty-one, the President of the Bank of the State was directed to issue certain bonds, signed by him, and countersigned by the Cashier of the said Bank, to an amount not exceeding six hundred and seventy-five thousand dollars; and whereas a portion of the said bonds have been disposed of, and a portion still remains unsold, and it is deemed advisable to issue certificates of stock, instead of bonds, as provided for in said Act:

By whom is-
sued.

Be it, therefore, enacted by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the Treasurer of the Lower Division be authorized to issue certificates of stock, to be signed by him and countersigned by the President of the Bank of the State, bearing the same rate of interest as the said bonds, in the place and stead of so much of the said bonds as now remain unsold; and that upon the application of the holders of any of the said bonds which have been already sold, like certificates of stock may be substituted for the said bonds signed and countersigned as above directed.

Interest, when
and where pay-
able.

II. That the interest on all stock so issued shall be paid at the office of the Treasurer of the Lower Division, in Charleston, on the first days of January and July in each year.

Interest on
military de-
fence stock,
when and
where payable.

III. That the interest on the six per cent. stock, issued under the provisions of an Act entitled "An Act to authorize the issue of certificates of stock, to provide for the military defence of the State," ratified the twenty-second day of December, in the year of our Lord one thousand eight hundred and sixty, shall be paid semi-annually, on the first days of January and July in each year, instead of annually, as provided for in said Act.

Bank refunded
a certain sum.

IV. That the Bank of the State of South Carolina be refunded the sum of one hundred and fifty thousand dollars, advanced as a portion of the sum appropriated for the military defence of the State, in the seventh Section of an Act entitled "An Act to raise supplies for the year commencing in October, one thousand eight hundred and sixty," ratified the twenty-eighth day of January, in the year of our Lord one thousand eight hundred and sixty-one. And the Treasurer of the Lower Division is hereby authorized to pay the drafts for the said amount, drawn by His Excellency the Governor, countersigned by the member of the Executive Council charged with the Treasury Department, and made payable to the Bank of the State.

Notes receiva-
ble, authority
to issue re-
pealed.

V. That so much of the twelfth Section of the Act last aforesaid as authorizes the Bank of the State of South Carolina to issue notes or certificates receivable in payment of taxes and other dues to the State, to the amount of two hundred thousand dollars, be, and the same is hereby, repealed. And the Bank of the State of

South Carolina is hereby authorized and directed to charge, as an advance to the Treasury of the State, the sum of two hundred thousand dollars, or so much thereof as may be paid to the order of the Governor by the Bank, in pursuance of the provisions of the said twelfth Section of the Act aforesaid, and for which the authority to issue notes or certificates is hereby repealed.

A. D. 1861.
Advance
charged to
Treasury.

In the Senate House, the twenty-first day of December, in the year of our Lord one thousand eight hundred and sixty-one, and in the eighty-sixth year of the sovereignty and independence of the State of South Carolina.

WILLIAM D. PORTER, President of the Senate.
JAMES SIMONS, Speaker House of Representatives.

AN ACT TO REGULATE ELECTIONS OF MEMBERS OF THE LEGISLATURE AND OTHERS WITHIN THE PARISHES OF ST. PHILIP AND ST. MICHAEL. No. 4602.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the elections for a member of Congress, members of the Legislature, Sheriffs, Clerks, and all other District officers to be elected by the people within the Parishes of St. Philip and St. Michael, shall in future be held at ten different places—one of which shall be held in Ward number one of the City of Charleston, one in Ward number two, two in Ward number three, two in Ward number four, one in Ward number five, one in Ward number six, one in Ward number seven, and the other one in Ward number eight; and the residents in the same shall be authorized and required to vote in that Ward of the city in which they respectively reside, and nowhere else within the said Parishes. The residents of the said Parishes, who reside outside of the limits of the City of Charleston, are hereby authorized and required to vote at either of the polls established in Wards number seven or number eight, at their option. That three Managers for each of the polls hereby established shall be appointed by the General Assembly; and the Board of Managers thus formed shall have authority so to locate the various polls, and prescribe the boundaries of the new election precincts herein established in Wards numbers three and four, within the Wards aforesaid, as will best suit, in their opinion, the convenience of voters.

St. Philip's
and St. Michael's, Election
Precincts
in Parishes of.

In the Senate House, the twenty-first day of December, in the year of our Lord one thousand eight hundred and sixty-one, and in the eighty-sixth year of the sovereignty and independence of the State of South Carolina.

WILLIAM D. PORTER, President of the Senate.
JAMES SIMONS, Speaker House of Representatives.

A. D. 1861.
 No. 4603.

AN ACT TO SUSPEND THE NINTH SECTION OF AN ACT ENTITLED
 "AN ACT TO RAISE SUPPLIES FOR THE YEAR ONE THOUSAND
 EIGHT HUNDRED AND TWENTY-THREE," AND FOR OTHER PUR-
 POSSES.

Suspension of
 9th Section A.
 A. 1823.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the ninth Section of an Act entitled "An Act to raise supplies for the year one thousand eight hundred and twenty-three," ratified on the twentieth day of December, in the same year, be, and the same is hereby, suspended, until the first day of January which shall be in the year of our Lord one thousand eight hundred and sixty-three.

Returns,
 default in
 making.

II. That it shall be the duty of the several Boards of Commissioners of Free Schools, who have made default in making their returns to the present session of the Legislature, as required by law, to make such returns, together with the additional return which will be then due, to the session commencing on the fourth Monday in November, in the year of our Lord one thousand eight hundred and sixty-two; in default whereof, all appropriations for the use of any such defaulting Board shall be withheld.

In the Senate House, the twenty-first day of December, in the year of our Lord one thousand eight hundred and sixty-one, and in the eighty-sixth year of the sovereignty and independence of the State of South Carolina.

WILLIAM D. PORTER, President of the Senate.
 JAMES SIMONS, Speaker House of Representatives.

No. 4604. AN ACT TO AUTHORIZE THE BOARD OF TRUSTEES AND FACULTY
 OF THE MEDICAL COLLEGE OF SOUTH CAROLINA TO APPLY
 CERTAIN FUNDS TO THE PAYMENT OF DEBT, AND TO OTHER
 PURPOSES.

Unexpended
 moneys to be
 applied to
 debts.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the Board of Trustees and Faculty of the Medical College of South Carolina be, and they are hereby, authorized and empowered to apply the unexpended remainder of the sum of twenty thousand dollars, appropriated by the State for the use of the said College, on the twentieth day of December, in the year of our Lord one thousand eight hundred and fifty-three, to the following uses, to wit: Three thousand dollars to the payment and reduction of the debts of the said College, and two thousand dollars, or the residue, to such purposes as the said Trustees and Faculty may determine.

In the Senate House, the twenty-first day of December, in the year of our Lord one thousand eight hundred and sixty-one, and in the eighty-sixth year of the sovereignty and independence of the State of South Carolina.

WILLIAM D. PORTER, President of the Senate.
 JAMES SIMONS, Speaker House of Representatives.

AN ACT TO REQUIRE THE CIRCUIT JUDGES TO SEND, WITH THEIR REPORTS TO THE APPEAL COURT, THE NOTES OF EVIDENCE TAKEN ON THE TRIAL.

A. D. 1861.

No. 4605.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That on request of any party interested in the appeal, the Judge before whom the case may be tried on circuit shall send, with his report to the Court of Appeals, the notes of evidence taken by him on the trial, or a certified copy of the same.

Notes of
evidence.

In the Senate House, the twenty-first day of December, in the year of our Lord one thousand eight hundred and sixty-one, and in the eighty-sixth year of the sovereignty and independence of the State of South Carolina.

WILLIAM D. PORTER, President of the Senate.

JAMES SIMONS, Speaker House of Representatives.

AN ACT TO ALTER AND AMEND THE SECOND SECTION OF AN ACT ENTITLED "AN ACT TO ALTER AND AMEND THE LAW IN RELATION TO FISH SLUICES ON THE CATAWBA AND WATEREE RIVERS, AND FOR OTHER PURPOSES." No. 4606.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the second Section of an Act entitled "An Act to alter and amend the law in relation to Fish Sluices on the Catawba and Wateree Rivers, and for other purposes," ratified on the twentieth day of December, in the year of our Lord one thousand eight hundred and thirty-seven, be so altered and amended as to read as follows: That any person who shall be convicted, by indictment, in the Court of Sessions, of obstructing the Fish Sluices in Congaree, Wateree and Santee Rivers, shall be fined and imprisoned, at the discretion of the Court.

Amendment
as to penalty.

In the Senate House, the twenty-first day of December, in the year of our Lord one thousand eight hundred and sixty-one, and in the eighty-sixth year of the sovereignty and independence of the State of South Carolina.

WILLIAM D. PORTER, President of the Senate.

JAMES SIMONS, Speaker House of Representatives.

A. D. 1861. **AN ACT TO ALTER THE TIME OF HOLDING THE ELECTION FOR
ORDINARY OF ANDERSON DISTRICT.**
No. 4607.

Ordinary,
change of time
of election of.

I. Be it enacted by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the next election for Ordinary of Anderson District shall be held on Tuesday after the second Monday in October which shall be in the year of our Lord one thousand eight hundred and sixty-two, and on the same day in every fourth year thereafter.

In the Senate House, the twenty-first day of December, in the year of our Lord one thousand eight hundred and sixty-one, and in the eighty-sixth year of the sovereignty and independence of the State of South Carolina.

WILLIAM D. PORTER, President of the Senate.
JAMES SIMONS, Speaker House of Representatives.

NO. 4608. AN ACT TO CONFER THE RIGHTS OF LEGITIMACY ON A CERTAIN CHILD OF MARY MULLINAX.

Legitimized.

Be it enacted by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the natural son of R. W. Hughes, begotten upon the body of Mary Mullinax, with whom the said R. W. Hughes has since intermarried, called by the name of Franklin Elmore Hughes, be, and he is hereby, invested with all the rights and privileges of a legitimate child, and authorized and entitled to take and hold real and personal estate, under the statutes for the distribution of intestates' estates, or as legatee and devisee of his said parents, in the same manner, and to the same extent, as if he had been born in lawful wedlock.

In the Senate House, the twenty-first day of December, in the year of our Lord one thousand eight hundred and sixty-one, and in the eighty-sixth year of the sovereignty and independence of the State of South Carolina.

WILLIAM D. PORTER, President of the Senate.
JAMES SIMONS, Speaker House of Representatives.

NO. 4609. AN ACT TO AUTHORIZE TRUSTEES TO INVEST FUNDS IN BONDS OF THE CONFEDERATE STATES.

Confederate
bonds, trust
funds may be
invested in.

Be it enacted by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That Guardians, Trustees, Administrators, Executors, Masters and Commissioners in Equity, and all other persons holding funds in trust for investment, are hereby authorized to invest the

same in bonds of the Confederate States of America: *Provided*, That as to Masters and Commissioners there be no order of the Court directing a different investment.

A. D. 1862.

In the Senate House, the twenty-first day of December, in the year of our Lord one thousand eight hundred and sixty-one, and in the eighty-sixth year of the sovereignty and independence of the State of South Carolina.

WILLIAM D. PORTER, President of the Senate.
JAMES SIMONS, Speaker House of Representatives.

AN ACT TO AMEND THE LAW AS TO THE ELECTION OF OFFICERS OF THE SOUTH CAROLINA COLLEGE. No. 4610.

Be it enacted by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the second Section of an Act entitled "An Act to alter and amend an Act entitled 'An Act to establish a college at Columbia,'" passed on the twentieth day of December, in the year of our Lord one thousand eight hundred and twenty-five, be so amended that it shall be lawful for the Board of Trustees to elect officers for the college at the semi-annual, as well as the annual, meeting of the Board: *Provided*, That a majority of the whole Board are present.

College officers,
when to be
elected.

In the Senate House, the twenty-first day of December, in the year of our Lord one thousand eight hundred and sixty-one, and in the eighty-sixth year of the sovereignty and independence of the State of South Carolina.

WILLIAM D. PORTER, President of the Senate.
JAMES SIMONS, Speaker House of Representatives.

AN ACT TO RAISE SUPPLIES FOR THE YEAR COMMENCING IN OCTOBER, ONE THOUSAND EIGHT HUNDRED AND SIXTY-TWO. No. 4611.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That a tax for the sums and in the manner hereinafter mentioned, shall be raised and paid into the Treasury of this State, for the use and service thereof; that is to say: one dollar and thirty cents *ad valorem* on every hundred dollars of the value of all lands granted in this State, according to the existing classification, as heretofore established; one dollar and twenty-six cents per head on all slaves: *Provided*, That all lands or slaves in this State, now in possession or under the control of the enemy, and such other lands or slaves as may be taken by the enemy before the return of the said property to the Tax Collector, and also such other lands as shall have been abandoned by the owners in consequence of the action of

Lands.

Slaves.

Exemption.

A. D. 1863. Free Negroes.	the Military authorities, shall be exempt from taxation under this Act; three dollars on each free negro, mulatto or mestizo, between the ages of fifteen and fifty years, except such as shall clearly be proved to the satisfaction of the Collector to be incapable, from wounds or otherwise, of procuring a livelihood, and except those who now are, or have at any time been, in the service of the army of
Real estate.	this State or of the Confederate States, in the existing war; twenty-two cents, <i>ad valorem</i> , on every hundred dollars of the value of all lots, lands and buildings within any city, town, village or borough in this State: <i>Provided</i> , That the tax on lands and buildings in the city of Charleston be assessed on the value of the lands only, where the buildings and improvements on the land have been destroyed by the late conflagration: <i>And provided, further</i> , That no tax shall be levied on lots, lands, and buildings within any city, town, village or borough in this State which have passed into the possession or under the control of the enemy, or which may pass into the possession or under the control of the enemy before returns are made to the Tax Collectors; one hundred cents per hundred dollars on fac-
Exception in Charleston.	torage, employments, faculties and professions, including the profession of dentistry, and including herein Clerks of Courts of Common Pleas and General Sessions, Sheriffs, Masters and Commissioners in Equity, Registers in Equity, Registers of Mesne Conveyance, Ordinaries and Coroners, whether in the profession or employment of law or equity, the profits to be derived from the costs of suit, fees, or other sources of professional income, except clergymen, school-
Exemption.	masters, school-mistresses and mechanics; one hundred cents on every hundred dollars on the amount of commissions received by vendue masters and commission merchants; forty cents per hundred
Factorage, employments, &c.	dollars on the capital stock paid in on the first of October, one thousand eight hundred and sixty-two, of all banks which for their present charters have not paid a bonus to the State, which said bank tax the stockholder, when he or she resides within the State, shall have the right to pay to the Tax Collector of the District or Parish where such stockholder resides, by paying the same on or before the first day of June next, and forwarding a duplicate receipt of such payment to the President of such bank; and in case any stockholder resides without the State, the tax on the stock of such stockholder shall be paid to the Tax Collector of the District or Parish where the bank is located; eighty cents per hundred dollars on the capital stock of any bank of issue not incorporated by this State, paid in on the first day of October, one thousand eight hundred and sixty-two, doing business by agents within the limits of this State; forty cents per hundred dollars on the capital stock of all incorporated gas-light companies; one and a-half per centum on all premiums taken in this State by incorporated insurance companies, and by the agencies in this State, acting in behalf of insurance companies and underwriters without the limits of this State; twenty-two
Commissions.	cents on every hundred dollars of the amount of sales of goods, wares and merchandise, embracing all articles of trade for sale, barter or exchange (the products of this State, and the unmanufactured products of any of the States of the Confederate State excepted), which any person shall have made from the first day of January, in the year of our Lord one thousand eight hundred and
Bank stock.	
Gas light and insurance companies.	
Goods, wares, and merchandise.	

sixty-two, to the first day of January, in the year of our Lord one thousand eight hundred and sixty-three, either on his, her or their capital, or borrowed capital, or on account of any person or persons, as agent, attorney or consignee; ninety cents upon every hundred dollars of the amount of sales of goods, wares and merchandise whatever, which any transient person, not resident in this State, shall make in any house, stall or public place, whether the said sale be made by sample or otherwise; twenty dollars per day for all circus exhibitions; five dollars per day for representing publicly, for gain and reward, any play, comedy, tragedy, interlude or farce, or other employment of the stage, or any part therein, or for exhibiting wax figures or other shows, of any kind whatever, to be paid into the hands of the Clerks of the Courts respectively, who shall be bound to pay the same into the Treasuries of the State of South Carolina, except in cases where the same is now required by law to be paid to corporations or otherwise; one-tenth of one per cent. on all moneys loaned, moneys at interest, all moneys invested in the stocks or bonds of any individual, State or corporation, other than bonds or stocks of this State or of the Confederate States, and other than the stocks of the banks and railroad companies of this State; one dollar and fifty cents for every hundred dollars of gross receipts of all commercial agencies within the limits of this State; thirteen cents on every pack of playing cards sold in this State; fifteen dollars upon every billiard table within this State, used to and for the purpose of raising a revenue therefrom; one hundred cents on the hundred dollars of all salaries, including public officers, except officers of the Army and Navy, and on all wages, from whatever source derived, except wages of five hundred dollars or less per annum.

II. All taxes levied on property, as prescribed in the first Section of this Act, shall be paid to the Tax Collector for the tax district in which said property is located: *Provided*, That where negroes have been removed from any Districts or Parishes by reason of the dangers arising from the invasion or occupation thereof by the enemy, it shall be lawful to pay the taxes upon the same to the Tax Collectors of the Districts or Parishes from which said negroes were removed. That all taxes levied on property in this State during the continuance of the war between the Confederate and United States of America, may be paid in Confederate notes or other current funds. The commissions to be received by the various Tax Collectors of this State, for the year commencing on the first day of October, one thousand eight hundred and sixty-two, shall be at the rate of seventy per centum of the commissions now allowed them by law, except such Districts and Parishes as pay an amount less than eight hundred dollars to the Collector.

III. The Tax Collectors in the several Districts and Parishes in this State, in their returns hereafter to be made, are hereby required and enjoined to state the precise amounts of taxes collected by them for supporting the police of the said several Districts and Parishes aforesaid, stating the rates per centum on the amounts of the State tax collected for said District and Parish police purposes, and the total amount of commissions received by each and every of such Tax Collectors, and the rate per centum of his commis-

A. D. 1863.

Transient
merchandise.

Exhibitions.

Moneys in-
vested.Commercial
agencies.Cards and
billiards.

Salaries.

Taxes—to
whom payable.Commissions
of Tax Col-
lectors.Police taxes,
return of.

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sions; and the Comptroller General shall return the same in his report.

Returns of
free negroes.

IV. Free negroes, mulattoes and mestizoes are hereby required to make their returns and pay their taxes during the month of April; and the Tax Collector of St. Philip's and St. Michael's is allowed until the month of June to receive the taxes of white persons.

Sullivan's
Island, exemp-
tion on.

V. The lots and houses on Sullivan's Island shall be freed from taxation during the existing war between the Confederate States and the United States of America, the same being used by the troops of the Confederate States or by the works for defense.

Time of collec-
tion extended.

VI. That the Tax Collectors be authorized to extend the time for the receipt, and also for the payment of taxes, and also for the payment thereof into the Treasury of this State, for a period of thirty days beyond the periods therefor hitherto allowed by law.

Disposition of
appropriation
by Congress.

VII. That the sum of two hundred and fifty thousand dollars, received by Wilmot G. DeSaussure, as Agent of the State, from the Confederate Government, and by him paid into the Treasury of this State, under the resolution of the Confederate Congress relative to the conflagration in the city of Charleston, on the eleventh day of December, one thousand eight hundred and sixty-one, and also all such other sums of money as may be received from the Confederate Government during the present year, and placed in the Treasury, be subject to such appropriations as may be made by the General Assembly of this State.

In the Senate House, the sixth day of February, in the year of our Lord one thousand eight hundred and sixty-three, and in the eighty-seventh year of the sovereignty and independence of the State of South Carolina.

W. D. PORTER, President of the Senate.

A. P. ALDRICH, Speaker House of Representatives.

No. 4612. AN ACT TO MAKE APPROPRIATIONS FOR THE YEAR COMMENCING IN OCTOBER, ONE THOUSAND EIGHT HUNDRED AND SIXTY-TWO.

Executive
Department.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the following sums be, and they are hereby, appropriated for the payment of the various officers and expenses of the State Government, that is to say: In the Executive Department: For the salary of the Governor, three thousand five hundred dollars; for the Private Secretary of the Governor, fifteen hundred dollars; for the rent of the Governor's House, in Columbia, in case he should not occupy the house offered him by the Legislature, twelve hundred dollars; for the Messenger of the Governor, two hundred and fifty dollars; for the Contingent Fund of the Executive Department, ten thousand dollars, to be subject to the draft of the Governor, and to be accounted for annually by him to the

Legislature; for the furnishing of the Governor's House, in Columbia, one thousand five hundred dollars.

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Legislative
Department.

II. In the Legislative Department: For the pay of the members of the Legislature, and the Attorney General, and the Solicitors, during the present session, and of the Committees appointed to inspect the Bank of the State and its branches, thirty-five thousand dollars, if so much be necessary; for the salaries of the Clerks of the Senate and House of Representatives, twelve hundred dollars each; and to the said Clerks, for the services of two Assistant Clerks, two hundred and fifty dollars for the Clerk of the Senate, and two hundred and fifty dollars for the Clerk of the House; for the salaries of two Messengers and two Doorkeepers, each two hundred and fifty dollars, to be paid at the adjournment of the Legislature; for the salary of the Keeper of the State House and Librarian, seven hundred dollars; for the salaries of the Reading Clerks of the Senate and House of Representatives, each two hundred and fifty dollars; and for their services at the session commencing on the twentieth day of January, eighteen hundred and sixty-three, to the Clerks of the Senate and House of Representatives, two-thirds of the usual amount; and for the services of the two Assistant Clerks of the Senate and House of Representatives, two-thirds of the usual amount; for the salaries of two Messengers and two Doorkeepers, each two-thirds the usual amount; and for the salaries of the Reading Clerks of each House, two-thirds the usual amount of their salaries; for extra services of the Messenger of the Senate, and for extra services of the Messenger of the House of Representatives, each fifty dollars, to be paid at the end of the session; for the services of the Engrossing Clerks, to be paid under the direction of the President of the Senate and of the Speaker of the House of Representatives, six hundred dollars; for the services of the Engrossing Clerks at session of January, eighteen hundred and sixty-three, to be paid under the direction of the President of the Senate and Speaker of the House, five hundred dollars; that the President of the Senate and Speaker of the House of Representatives be authorized to issue to the Librarian a pay bill for the same per diem as is by law allowed to members of the General Assembly, for the period of the present extra session; for the printers of the Senate and House of Representatives, in pursuance of the contracts made by the Committees of both Houses, eleven thousand five hundred dollars, if so much be necessary, for the printing executed by the said printers during the present session of the Legislature, the same to be paid to them as soon as the amounts of said contracts shall be ascertained, by the Treasurer of the Upper Division; for the printer, for printing, in pamphlet form, the Acts and Journals of both Houses, Reports and Resolutions agreed to, the Governor's Messages, Reports of the President of the Bank and Comptroller General, with the accompanying documents, eight thousand dollars, if so much be necessary: *Provided*, The number of copies specified in the proposals of the printers, as accepted by the Legislature, shall be printed and deposited in the office of the Treasury of the Upper Division before the twentieth of April next, and the amount to be paid according to the proposals, which shall be ascertained by the Treasurer afore-

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said: *And further provided*, That the printer of Acts and Journals do publish, in his newspaper, at Columbia, all the public Acts which may be passed at the present session, within twenty days after the adjournment of the Legislature, and forward by mail, to each member of the General Assembly, each of the Judges, Attorney General, and each of the Solicitors, a copy of such newspaper, as soon as such newspaper is issued; to the Keeper of the State House, for contingent expenses during the present session of the Legislature, twelve hundred dollars, if so much be necessary, to be accounted for by him at the Treasury, and reported by the Treasurer to the General Assembly; for stationery, fuel, distributing Acts, and expenses for election returns, sixteen hundred dollars, if so much be necessary; five hundred dollars for enlarging the Library room, to be paid on the draft of the Keeper of the State House.

Judiciary Department.

III. In the Judiciary Department: For the salary of the Chief Justice, three thousand five hundred dollars; for the salaries of the Judges and Chancellors, three thousand dollars each; for the salary of the Attorney General, eleven hundred dollars; for the salaries of five Solicitors, nine hundred dollars each; for the Clerk of the Court of Appeals in Columbia, six hundred dollars; for the salary of the Messenger of the said Court at Columbia, two hundred dollars: *Provided*, It shall be the duty of the said Messenger to summon all members of the bar who are members of the Legislature, when their cases may be called for trial; for the salary of the Librarian of the Court of Appeals in Columbia, two hundred dollars, the same to include the expenses of fuel for the Court of Appeals and for the Library; for the salary of the Clerk of the Court of Appeals in Charleston, six hundred dollars; for the salary of the Messenger of the said Court, two hundred dollars; for the salary of the Librarian of the Court of Appeals in Charleston, two hundred dollars, to include the expense of fuel for the Court of Appeals and for the Library; for the salary of the State Reporter fifteen hundred dollars; and the several appropriations aforesaid, for the Clerks, Librarians, Messengers, Reporter, and for the incidental expenses of the Court of Appeals, shall be paid by the Treasurer only upon warrant to be drawn by the presiding Judge of the Court of Appeals, at such times and for such portions as they may deem just and proper, and it shall be the duty of the said Reporter to attend in person, or by deputy, the sittings of the Courts of Appeals and Errors in Columbia and Charleston, and to report such arguments and statements of facts as may be necessary to a correct understanding of the decisions of the said Courts: *Provided*, That the Judges of the Court of Appeals may, if they think proper, announce the results of their decisions at certain stated periods, before filing their opinions: *And further provided*, That the said Reporter shall publish in one or more of the newspapers at Columbia, an abstract of the principles decided by the Court of Appeals in its opinion, as soon as practicable after the delivery of the same; for the pay of the Jurors and Constables, twelve thousand five hundred dollars, if so much be necessary, the certificates to be paid at either Treasury.

Treasury Department.

IV. In the Treasury Department: For the salary of the Comptroller General, two thousand dollars; for the salary of the Clerk of

the Comptroller General, one thousand dollars, the said Clerk to be appointed and removed at the pleasure of the Comptroller General; for the salary of the Treasurer of the Lower Division, and for Clerk hire, two thousand dollars; for the salary of the Treasurer of the Upper Division, and for Clerk hire, sixteen hundred dollars; for the Assessor of Saint Philip's and Michael's, for making out and affixing assessments of each return, one thousand dollars; for the services of the Comptroller General, for copying tax-books, two hundred dollars; and for additional compensation to the Treasurer of the Lower Division, for the performance of the additional duties imposed upon him by an Act entitled "An Act to authorize the issue of certificates of stock to provide for the military defense of the State," ratified the twenty-second day of December, in the year of our Lord one thousand eight hundred and sixty, four hundred dollars; for printing and distributing tax returns, seventeen hundred dollars.

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V. For the South Carolina College: For the salary of the President of the College, three thousand dollars; for the salaries of seven professors of the College, two thousand five hundred dollars each; for the salary of the Treasurer of the College, five hundred dollars; for the salary of the Librarian of the College, six hundred dollars; for the salary of the Secretary of the Board of Trustees, two hundred dollars; for the salary of the Marshal, four hundred dollars; the salaries of the President, Professors, Treasurer and Librarian, to be paid by the Treasurer of the Upper Division, quarterly, in advance, their drafts being countersigned by the Treasurer of the College.

South Carolina College.

VI. For the Ordinary Civil Expenses: For the payment of the contingent accounts of the Upper Division, twelve thousand one hundred and sixty-nine dollars, if so much be necessary; for the payment of the contingent accounts of the Lower Division, eleven thousand three hundred and sixty-two dollars, if so much be necessary; for the payment of pensions and annuities, six hundred dollars, if so much be necessary; for the payment of such claims as shall be admitted by the Legislature at its present session, twenty thousand dollars, if so much be necessary; for the support of Free Schools, seventy-four thousand four hundred dollars, if so much be necessary, to be distributed among the several Election Districts in the State, in the proportion of six hundred dollars to each Representative in the popular branch of the Legislature; for the support of paupers at the Lunatic Asylum, five thousand five hundred dollars, if so much be necessary; for the education of the Deaf and Dumb and of the Blind, eight thousand dollars, if so much be necessary, to be paid to the Commissioners in the same manner as the appropriation heretofore made; for refunding taxes, as directed by the reports of the Committees of Ways and Means and of Finance and Banks, agreed to by the Legislature, three thousand dollars, if so much be necessary; for the payment of the interest on two millions one hundred and fifty thousand five hundred and ninety dollars of bonds and stock, issued for the construction of the new State Capitol, one hundred and twenty-nine thousand nine hundred and four dollars; for the payment of the interest on three hundred and ten thousand dollars of the bonds of the State, issued

Ordinary civil expenses.

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under an Act entitled "An Act to grant aid to the Blue Ridge Railroad," ratified the twenty-second day of December, in the year of our Lord one thousand eight hundred and fifty-nine, eighteen thousand six hundred dollars; for the payment of the interest on the balance of four hundred thousand dollars of bonds of the State, issued for the military defense of the State, fifteen thousand dollars; for the payment of the interest on four hundred and eighty-four thousand two hundred and eighty dollars, issued for the military defense of the State, thirty-three thousand nine hundred dollars; for the payment of the interest on one million eight hundred thousand dollars of the bonds and stock authorized to be issued at the last session of the Legislature for the military defense of the State, one hundred and six thousand and thirty dollars.

Military expenditures.

VII. For Military Expenditures: For the salaries of the following officers, viz.: Adjutant and Inspector General, two thousand five hundred dollars; Arsenal Keeper in Charleston, one thousand dollars; Arsenal Keeper and Powder Receiver at Columbia, at the rate of four hundred dollars per annum; Physician of the Jail and Physician of the Magazine Guard at Charleston, each five hundred dollars; and for the support of the Military Academies at Charleston and Columbia, thirty-seven thousand dollars, if so much be necessary; and the said Military Academies shall be under the direction of the Board of Visitors: *Provided*, That each District shall be entitled to send to said Academies a number of beneficiaries equal to its representation in the House of Representatives, or in that proportion as far as the appropriation for the school may allow; for the salary of the Clerk of the Adjutant and Inspector General, one thousand and eighty dollars; for the services of the Secretary of State during the current year, for all service in issuing all military commissions, and in lieu of any charge against the State for commissions of civil officers, eight hundred dollars, to be paid as other salaries directed to be paid by law; for the salary of the Ordnance Officer, three thousand dollars; for the salary of the Clerk of the Ordnance Officer, one thousand dollars, if so much be necessary, to be paid upon the draft of the said Ordnance Officer, said salaries to be paid quarterly; to defray the expenses attendant upon the military defense of the State, five hundred thousand dollars, to be paid upon the draft of His Excellency the Governor, and that His Excellency the Governor be also authorized to expend, or see expended under his direction, the balances now in the hands of the departmental officers, and at the Executive credit, from the appropriation of the last year, and that an account thereof be rendered to the next regular session of this General Assembly.

Ordinary local expenditures.

VIII. For Ordinary Local Expenditures: For the support of the transient poor of Charleston, seven thousand dollars, to be paid to the City Council of Charleston, and accounted for by them to the Legislature; for the salary of the Port Physician in Charleston, including boat hire and other incidental expenses, eight hundred dollars; for the execution of the Quarantine Laws at Charleston, one thousand dollars, if so much be necessary, to be paid to the City Council of Charleston, and expended under their direction; for the salary of the Superintendent of the Fire Proof Building in Charleston, during the present year, one hundred dollars; for the

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support of the transient poor of Georgetown, three hundred and twenty-nine dollars twenty-two cents, and also the balance reported by the Commissioners as remaining in their hands, the two sums amounting to six hundred dollars, to be expended by the Commissioners of the Poor of Winyah, to be accounted for by them to the Legislature; for aiding the support of a ferry at Elliott's Cut, two hundred dollars, subject to the order of the Commissioner of Roads for Saint Andrew's Parish; for maintaining and keeping open the Roper Hospital, in Charleston, three thousand dollars, to be paid to the Medical Society, in trust for the Roper fund, to defray the expenses of the said hospital; for the support of the State Normal and High School, at Charleston, five thousand dollars, to be subject to the draft of the Commissioners of Free Schools of St. Phillip's and St. Michael's and to be applied by them as prescribed by law; for the support of the Catawba Indians, twelve hundred dollars, if so much be necessary.

Extraordinary expenditures.

IX. For Extraordinary Expenditures: For the salary of John R. Niernsee, as acting Commissioner, Superintendent and Architect of the New State House, three thousand dollars, to be paid as the salaries of other officers; for the purpose of covering the rooms in the New State House, six hundred dollars, to be paid upon the draft of the acting Commissioner, Superintendent and Architect; for the construction of a railroad bridge over the Ashley River, near Charleston, as a military road, thirty-five thousand dollars, to be paid upon the draft of His Excellency the Governor; the sum of ten thousand two hundred and thirty-seven dollars ninety-seven cents, if so much be necessary, for building side turn-outs and for the purchase of such cars, for use on the Savannah and Charleston Railroad, as was rendered necessary by a resolution of the Executive Council, to be paid upon the draft of His Excellency the Governor; for repairing the roof of the old State House, fifteen hundred dollars, if so much be necessary, to be paid on the draft of the Keeper of the State House; for the removal of slaves from the reach of the enemy, pursuant to the Ordinance of the Convention, eighteen thousand dollars, to be paid as directed by the report of the Committee on Colored Population of the House of Representatives; that the sum of nine thousand six hundred and eighty dollars, the amount of deficiency for the support of pauper lunatics, as reported by the Regents of the Lunatic Asylum for the year one thousand eight hundred and sixty-two, be paid to the draft of the Chairman of the Board of Regents; for the construction of one thousand Morse's carbines, if so much be necessary, to be paid upon the draft of His Excellency the Governor, fifteen thousand dollars; for the purchase of twenty copies of Mahan's Permanent Fortifications, five hundred dollars, if so much be necessary, to be paid upon the draft of the Chairman of the Board of Visitors of the Military Academies; to Asa George, for the construction of six small and one large revolving cannon, ten thousand dollars, to be paid upon the draft of His Excellency the Governor; for the erection of such buildings at the Arsenal Academy in Columbia as by the Board of Visitors shall be considered necessary, twenty-five thousand dollars, to be paid upon the draft of the Chairman of said Board: *Provided*, That plans and specifications of said additional build-

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ings, and estimates showing that their cost shall not exceed twenty-five thousand dollars, including in said estimates the cost of any materials that may now belong to the State, and which can be used for the purpose, shall be made by the architect of the State before any part of the said appropriation shall be drawn; for the support of two cadets now in the Military Academy, one appointed by this General Assembly, the other appointed by the Governor, one thousand dollars, to be drawn and accounted for by the Board of Visitors; for the education of six young men at the Military Academies of this State, and to be drawn by the Chairman of the Board of Visitors, two thousand four hundred dollars, such young men to be selected, one for each Congressional District, by His Excellency the Governor; for the support of the transient poor of Columbia, two thousand dollars, to be paid to the city Council of Columbia, and accounted for by them to the Legislature; for the Marine School of Charleston, seven thousand dollars, to be paid to the Charleston Port Society, upon the draft of the President, countersigned by the Secretary; that William B. Johnston, as agent of the State for the collection and recording in a suitable book, to be deposited in the archives of the State, of the names of such sons of South Carolina as, during the present war, have fallen in the service of their country, whether in battle, from wounds received in battle, from disease, or from accident, be paid at the rate of twelve hundred dollars per annum, the same to be paid as the salaries of other officers of the State are paid by law, and that he do report to the next regular session of this General Assembly the names of all such as have so fallen up to that period; to Charles P. Pelham, nine hundred and thirty-five dollars fifty-one cents, being the balance due him for printing the Acts, Journals, &c., and to be paid upon his draft; to James Tupper, Esq., Auditor, three thousand dollars, to be paid to him as are the salaries of other officers; to Gen. Wilmot G. DeSaussure, two thousand dollars for his services connected with the Treasury Department, to be paid to his order; for the construction or purchase of machines for manufacturing cotton cards, subject to the draft of the Governor, twenty thousand dollars; that in case of the completion by Allen and Sprague of the contract entered into between them and the State of South Carolina, pursuant to the resolution of the General Assembly, His Excellency the Governor, together with the Comptroller General, be authorized to issue, in the name of the State of South Carolina, three hundred and fifty thousand dollars of bonds bearing six per cent. interest, and of the value of one thousand dollars each, and to be expended by His Excellency the Governor in the payment of the said Allen and Sprague, in accordance with his election under the contract, the interest on the said bonds to be paid at the Bank of the State of South Carolina semi-annually, and the time of payment to be regulated by His Excellency the Governor and the Comptroller General, and that, for any armament which may be required, His Excellency the Governor be authorized to borrow of the Bank of the State of South Carolina a sufficient amount; the sum of two hundred thousand dollars, (\$200,000,) for the supply of the destitute soldiers of the State with shoes, clothing, and blankets, the

For destitute
soldiers.

same to be paid to the Central Association for the Relief of the Soldiers of South Carolina, on the drafts of their Chairman, countersigned by their Treasurer, to be expended in purchasing and forwarding to our soldiers shoes, blankets and clothing, and in refunding to the said Association the sum of twenty thousand dollars (\$20,000) already advanced on contracts made for shoes, and that the said Association do account therefor to the General Assembly at its next session.

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In the Senate House, the sixth day of February, in the year of our Lord one thousand eight hundred and sixty-three, and in the eighty-seventh year of the sovereignty and independence of the State of South Carolina.

WILLIAM D. PORTER, President of the Senate.
A. P. ALDRICH, Speaker House of Representatives.

AN ACT FOR THE BETTER ORGANIZATION OF THE MILITIA, No. 4613. AND FOR OTHER PURPOSES.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the Ordinances of the Convention of this State, except the Ordinance entitled "An Ordinance to exempt overseers from the performance of militia duty," passed on the second day of January, in the year of our Lord one thousand eight hundred and sixty-two, which is amended hereinafter by the provisions of this Act, and all Acts, Resolutions, and Orders of the Governor and Council, altering, suspending or repealing the Militia law of this State, be, and the same are hereby, repealed; and the provisions of the Act of the General Assembly, entitled "An Act to reduce all Acts and clauses of Acts in relation to the Militia of this State to one Act, and to alter and amend the same," passed on the seventeenth day of December, in the year of our Lord one thousand eight hundred and forty-one, and all Acts amending the same, which are not inconsistent with the provisions of this Act, are hereby declared to be of full force and effect.

Ordinances of
Convention re-
pealed.

Militia Act in
force.

II. That an Act entitled "An Act to amend and suspend certain portions of the Militia and Patrol laws of this State," passed on the seventh day of December, in the year of our Lord one thousand eight hundred and sixty-one, be, and the same is hereby, repealed, except the fifth, sixth, eleventh and thirteenth Sections, which are hereby declared to be of full force and effect; and that said thirteenth Section be so amended that the Clerk therein authorized to be appointed by the Governor shall be entitled to a commission as Assistant Adjutant General, with the rank and pay of First Lieutenant of Infantry in Confederate service, to date from the day of his appointment.

Part of Act of
1861 repealed.

Commission
and pay of
Clerk.

Persons liable
to military ser-
vice.

III. All male persons between the ages of eighteen and fifty shall

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Exemptions
from ordinary
militia duty.

be liable to militia duty, except persons who are exempted by the said Act of eighteen hundred and forty-one from "all militia service."

IV. The following persons shall be exempted from ordinary militia duty, but shall be liable to perform the duty in times of alarm, insurrection, invasion, or as one of the *posse comitatus*, when required, and shall not be exempted from actual service in their respective Districts, when called out by the Governor under the militia organization: The members of both branches of the Legislature and their respective officers, including the Attorney General and Solicitors of the State, during the session, and fifteen days before the sitting and fifteen days after the adjournment thereof; all those in Confederate or State military service, including the officers and Cadets of the State Military Academy; all regularly officiating clergymen; all regularly licensed practicing physicians over the age of thirty-five years; one apothecary to each regularly established drug store which has been in operation six months; the Faculty and Officers of the South Carolina College, and the Professors in other incorporated Colleges and Theological Schools, while said colleges and schools are in actual operation; the superintendent, teachers, and steward of the Cedar Springs Asylum; all schoolmasters having under their charge not less than twenty scholars; all branch pilots; one white man to each established ferry, toll bridge, or toll grain mill, if actually kept by such white man; the President, Cashier, and one Teller of each of the several banks of this State, and the Treasurers of the several Savings' Institutions of this State; the officers and men of the City Guard, and officers and forty men of each company of the fire department of Charleston and Columbia; the officers and as many employees of each railroad company as the President or Superintendent may certify to be necessary to the efficient conduct of its business: *Provided*, That it is also certified that the duty of said employees cannot be discharged by slaves; the Superintendent and Keeper of the Lunatic Asylum, and their assistants; Stewards or Keepers of Poor Houses; the Keepers of the Arsenal of the State; all persons holding office under the Confederate States, except Deputy Postmasters; all persons employed by the State or by the Confederate States in the manufacture of arms, munitions of war, and army supplies; all persons actually engaged in the manufacture of salt on the sea coast, and all persons over the age of fifty; and all persons belonging to the Boards of Relief of soldiers' families.

Duties of com-
manders of
beat companies

V. That the commanding officers of beat companies shall keep two separate rolls, one of the names of all persons resident in their beats between the ages of sixteen and sixty, and another of the names of all persons between the ages of sixteen and fifty, designating in said rolls the ages of each person; and all persons required to be enrolled by this Act shall, immediately after its passage, report their names to the commanding officers of their beat, who shall have power to administer oaths as to the ages and residence of persons, when they refuse to make known their age or place of residence, or where there may be doubts as to either; and each and every beat company shall be called out for drill and instruction once in every two months.

VI. That the commanding officers of companies, as soon as said enrollment can be made, shall return said rolls to the commanding officers of their regiments, who shall return the same within ten days to the office of the Adjutant and Inspector General; and for default in making said returns, the commanding officers of companies shall be liable to a fine of fifty dollars, and the commanding officers of regiments to a fine of one hundred dollars, to be imposed by a court martial ordered by the Governor for the trial of such defaulters.

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Penalty for not making returns.

VII. That all persons who now are, or may hereafter be, in actual service in the regiments known as the First Corps of Reserves, or who may be in actual State military service, and who shall not, at the expiration of said service, have been called into Confederate service, shall report to the commanding officer of the beat in which they respectively reside, and be enrolled for militia service in said beat.

First corps of Reserves to be enrolled.

VIII. That to repel invasion and suppress insurrections, the Governor shall have power, and he is hereby authorized, whenever in his judgment the public safety requires that troops should be raised for the public defence, to call into actual service, in any part of the State, all or such portion of the militia as he may deem necessary, between the ages of sixteen and fifty years, except such persons as are exempted by the provisions of this Act from ordinary militia duty, and from actual service, except within the limits of the Districts in which they reside. That when such call has been made, the Governor shall have the power, and is hereby authorized, to organize the troops into companies, battalions and regiments, conforming said organization, as far as may be practicable, to the laws and army regulations of the Confederate States: *Provided*, That the said troops shall exercise the right of electing their company and field officers; and it shall be the duty of the Governor to order said elections to be held, at such times and places as he may select, and to be conducted in such manner as he may direct, and in the event of a failure to hold any of said elections, the Governor shall fill such offices by appointment.

Militia to be called out by Governor.

Militia to elect company and field officers.

IX. That in organizing said troops into battalions and regiments, regard shall be had, as far as may be practicable, to the proximity of the companies.

X. That the Governor shall have the power, and is hereby authorized, on any sudden emergency, which in his judgment will not admit of the delay necessary in organizing troops under the eighth Section of this Act, to call out any portion of the militia he may require to repel the enemy or suppress insurrection, or to act as *posse comitatus*, who shall go into service under their militia organization: *Provided*, That such portion of the militia shall not be continued in service for a longer time than may be necessary to call out and organize troops under the provisions of said eighth Section of this Act.

Term of service of Militia limited.

XI. That all persons liable to perform actual military service under the provisions of this Act, who shall make default when summoned into such service, shall be liable to such punishment, short of death, as may be imposed by a Court Martial, according to the Articles of War of the Confederate States, said Court to be

Penalty for non-performance of duty.

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convened by the officer commanding the Regiment in which the defaulter is liable to perform said military service, who is hereby authorized to order said Court, in conformity with the usages of the Confederate States.

Discipline.

XII. That the troops which may be called into actual service under any of the provisions of this Act shall, while in such service, be subject to the army regulations of the Confederate States of America.

Exemption for overseers.

XIII. That the Ordinance of the Convention of this State entitled "An Ordinance to exempt overseers from the performance of militia duty," passed on the second day of January, in the year of our Lord one thousand eight hundred and sixty-two, be, and the same is hereby, altered and amended, and that from and after the passing of this Act, and during the present war, all applications for the exemption of overseers shall be made in writing to the Adjutant and Inspector General of the State by the owner, trustee or agent having charge of the plantation and negroes, who shall state, on oath, the age of the employer, the number of negroes and actual working hands under the charge of the overseer on the plantation, and the situation of the same, which statement shall be verified by the affidavit of at least two credible persons. And if it appears that the person applying for the exemption is absent in the service of the State, or of the Confederate States, or is above the age of sixty years, or is decrepid (to be certified by a physician,) or a female, or a minor or minors under the age of eighteen years, and that the number of working hands exceeds fifteen, the Adjutant and Inspector General shall issue a certificate exempting such overseer from actual military service beyond the limits of the District in which he resides, and furnish him with a copy of said certificate. And that it may be lawful for two or more owners of plantations, not further apart than five miles, and having between them fifteen working hands, to join in an application for such exemption, provided the overseer resides on one of said plantations. Or if it appears that a plantation on which there are fifteen or more working hands is left without any white male person thereon to protect and govern said working hands, except the overseer, the Adjutant and Inspector General may exempt such overseer from actual military service beyond the limits of the District in which he resides, provided that such exemption be recommended by the commanding officer of the beat in which such plantation is situate, and approved by the colonel of the regiment. That the certificates of exemption which have been heretofore granted by the Adjutant and Inspector General under the said Ordinance of the Convention of this State, or which may hereafter be granted under this Act, shall not exempt overseers from actual service in the militia when called out under the provisions of the eleventh Section of this Act, or from ordinary militia or patrol duty.

Governor may detail soldiers.

XIV. That the Governor shall have the power to detail persons liable to military service under the provisions of this Act to guard the railroad bridges in this State, or to perform any other special service in the nature of military service, which he may consider necessary to protect public property, or for the public interest; and persons so detailed, while in such service, shall be exempt from all military service, and from patrol duty.

XV. That when in actual service, under the provisions of this Act, the pay of officers and the pay and rations of non-commissioned officers and privates, and of persons detailed for special service, shall be the same as that allowed by the laws of the Confederate States.

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Pay of officers and privates.

XVI. That the officers of the militia shall not be required to provide themselves with uniforms, as heretofore required by law.

XVII. That the Governor shall have power, and is hereby authorized, to order the Sheriffs, and, if necessary, any portion of the military of this State, to aid Confederate officers, who are duly authorized, in arresting deserters from the armies of the Confederate States, or persons who are liable to service under the Conscription Acts of Congress, and who, when called into service, refuse to submit, and resist or threaten to resist said officers.

Confederate officers to be assisted in arresting deserters.

XVIII. That all commissions held by the militia officers of this State, except the Adjutant and Inspector General, who are not exempt from service by the Conscription Act of the Confederate Congress, be, and the same are hereby, vacated as soon as new elections can be held, which elections the Adjutant and Inspector General is hereby instructed to order immediately after the passing of this Act; and that no one liable to duty in the Confederate service, unless he be exempted from said service under the provisions of the Exemption Act of Congress, shall be hereafter eligible to any militia office.

Military commissions vacated.

Eligibility for military office.

XIX. That the Governor shall have power, and is hereby, authorized to distribute arms and ammunition to such portions of the militia as, in his opinion, may be necessary for the public safety, and all such arms and ammunition, and such as have already been distributed by order of the Governor and Council, shall at all times be subject to the order of the Governor.

Governor to distribute arms, &c.

XX. The Sheriffs who shall aid the Confederate officers under the provisions of this Act, as well as those who have aided, or shall aid the State officers, under the resolutions and Executive Council, or any order of the Governor, shall receive for their services the same fees as are now allowed by law for serving warrants and making arrests; and for the keeping of prisoners, the sum of sixty cents per day for each prisoner.

Pay of Sheriffs, &c.

XXI. That all Acts and clauses of Acts in relation to the militia of this State, consistent with the provisions of this Act, shall continue of full force and effect; and all Acts and clauses of Acts inconsistent with the provisions of this Act, which is to continue of force during the present war between the Confederate States and the United States of America, be, and the same are hereby, repealed.

Limitation of Act.

In the Senate House, the sixth day of February, in the year of our Lord one thousand eight hundred and sixty-three, and in the eighty-seventh year of the sovereignty and independence of the State of South Carolina.

W. D. PORTER, President of the Senate.

A. P. ALDRICH, Speaker House of Representatives.

A. D. 1863.

No. 4614.

AN ACT TO ORGANIZE AND SUPPLY NEGRO LABOR FOR
COAST DEFENSE, IN COMPLIANCE WITH REQUISITIONS OF THE
GOVERNMENT OF THE CONFEDERATE STATES.

- I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That from and after the passage of this Act this State shall be divided into four Territorial Divisions, as follows, to wit:
- State to be divided.
- 1st Division. Division No. 1. The Judicial Districts of Pickens, Greenville, Spartanburg, Anderson, Union, York, Chester, Laurens, Abbeville and Newberry, to constitute the first division.
- 2d Division. Division No. 2. The Judicial Districts of Lancaster, Kershaw, Chesterfield, Marlborough, Darlington, Marion, Sumter, Clarendon, Williamsburg and Horry, including Upper All Saints, to constitute the second division.
- 3d Division. Division No. 3. The Judicial Districts of Fairfield, Richland, Lexington, Edgefield, Barnwell and Orangeburg, to constitute the third division.
- 4th Division. Division No. 4. The Judicial Districts of Charleston, Colleton, Beaufort, Georgetown, including Lower All Saints, to constitute the fourth division.
- Order of Divisions. II. That the negro labor hereinafter required shall be furnished by the several Districts aforesaid, as follows, to wit: first, by Division No. 2; next, by Division No. 3; next, by Division No. 1; and last, by Division No. 4.
- When labor to be called for. III. That as soon as the Governor shall have received from the Confederate Government, through the proper officer authorized thereto, written assent and agreement to the terms and conditions hereinafter set forth, he shall call for such labor as may be demanded by the Confederate military authority from the several divisions, in the order aforesaid, to be furnished by the slaveholders thereof, in proportion to the slave population, as specified in the last census return of this State:
- What slaves taken. 1st. That the slaves liable to this call shall be the same that are liable to road duty in this State.
- Commissioners to summon owners. 2d. That it shall be the duty of the Commissioners of Roads, and the authorities of incorporated cities, towns and villages not subject to the jurisdiction of the Commissioners of Roads in the performance of road duty in the several Districts, to summon the owners to furnish their respective quotas of slave labor which the Governor shall require.
- Limitation of service. 3d. That each levy under the call shall serve for one month, and until relieved, in turn, by the next levy. And if the said Commissioners of Roads, or any of them, shall neglect or refuse so to summon such slave owners to send their said slaves in pursuance of the requisition aforesaid, such Commissioners or Commissioner shall suffer, for each and every such neglect or default, the same pains and penalties, and in the same manner, as now prescribed by statute law in this State. And that the Boards of Commissioners shall have power to appoint Commissioners in such divisions as are now vacated by the absence of Commissioners in the present war, for the ensuing year, from citizens of any age.
- Notice to be given by Confederate Government. 4th. That such notice shall be given by the engineer or other officer of the Confederate Government, of all requisitions for negro

labor, except the first, as will enable the owners of slaves to have thirty days from the time of summons to the time of furnishing their respective quotas of slaves. That the first requisition may be made with such notice as the urgency of the case will permit.

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5th. That the Confederate authorities shall furnish transportation by railroad from the depot nearest the owners' residence, the owner to transport his or her slaves at his or her own expense to such depot, irrespective of the distance of such depot from his or her residence.

Transportation
furnished.

6th. That rations shall be supplied by the Confederate authorities to the said slaves from the time of their arrival at such depots until their return to the homes of their owners.

Rations sup-
plied.

7th. That the pay of each slave shall be eleven dollars per month, to be paid by the Confederate Government, and to be sheltered, and receive all proper medical attendance in case of sickness.

Compensation.

8th. That the Confederate Government shall be liable to the owner for any loss or damage of or to the slave or slaves during his or their service, or from disease contracted in service, such liability to commence on the arrival of such slave or slaves at the railroad depot for transportation, and to continue until his or their return to the same; and the value shall be assessed as hereinafter provided.

Liability of
Confederate
Government.

IV. That a State Agent shall be appointed by the Governor, who shall receive for his services the pay of a Lieutenant Colonel of infantry, as allowed by the Confederate Government, during his employment, to be paid to him monthly by the Confederate Government; and there shall be also one overseer for every one hundred slaves, said overseer to be selected by the owners or their agents, and to receive each fifty dollars per month during his employment, to be paid monthly by the Confederate Government; these said overseers to be, during their employment, subject to the orders and the jurisdiction of the Confederate military authorities.

State Agent to
be appointed.

V. That it shall be the duty of the State Agent to visit all the camps of the laborers, to examine their condition, to observe their treatment and discipline, to examine their food, both as to quality and quantity, and to see that it is the proper ration for each, as is allowed by law; and particularly to inform himself as to their medical and surgical attendance and care, and, whenever required, to report the same to the Governor; and especially at the conclusion of the tour of service of each levy, it shall be his duty to make such a report to the Governor, in whose possession it may be open for examination by the owners of the said slaves.

Duties of
Agent.

VI. That it shall be the further duty of the State Agent to collect and receive the slaves as they shall be called into service, at the several railroad depots where they are to be delivered, to give receipts therefor to the owners or their agents at such depots, and send forward the said slaves to their points of destination; and he shall also be present at the assessment of the slaves hereinafter provided, and see that the same is made in duplicate, and certify the same; one copy to be given to the owner, and the other to be retained by the Confederate authorities.

Agent to re-
ceipt for slaves
taken.

VII. That it shall be the duty of said State Agent to certify the bills for the pay of the said slaves, for their respective owners, specifying the number of the said slaves, the time they had been

Agent to certify
pay-bills.

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employed, and the names of the owners; which bills, so certified, shall entitle the owners, by themselves or their order endorsed thereon, to receive the same from Confederate authority.

Slaves to be removed from danger.

VIII. That in case of an attack by the enemy, the slaves shall be immediately removed to some place of safety; and it shall be the duty of the State Agent and overseers to carry this provision promptly into execution—subject to the order and direction of the Confederate commanding officer at the time and place where the slaves are employed.

Slaves to be assessed.

IX. That before the slaves shall be employed in labor by the Confederate authorities, they shall be assessed by an Assessor to be chosen by said authorities and an Assessor selected by the owner or State Agent. The assessment shall be in writing, and contain the name of the owner, the name or names of the slave or slaves, and his or their respective value or values; to be taken in duplicate, in presence of the State Agent, who shall certify the same; one copy to be delivered to the owner, and the other to be retained by the Confederate authorities; and such assessment shall be conclusive of the value of said slave or slaves.

Commissioner to verify quota.

X. That it shall be the duty of the Commissioners of Roads to see that one or more of their number be present at the respective railroad depots, where the said slaves are delivered to the State Agent by the owner, to verify the quota which each owner is bound to furnish under the call; and in default thereof, they shall be liable to the same penalties as now provided by law for not summoning hands to work on the roads in their several Districts.

Penalty for failure to send slaves.

XI. That if any owner of slaves shall neglect or refuse to send his slave or slaves liable to the call hereinbefore mentioned, after the notice herein provided shall have been given him or her by the Commissioner so to do, such owner shall be liable to the same fines and penalties now provided by statute law for default in the performance of road duty, of which default the Board of Commissioners shall have full jurisdiction.

Commutation for service.

XII. That no slave owner shall be exempt from supplying slave labor for such requisitions by reason of his slave or slaves being employed, at the passage of this Act, in manufacturing or on railroads, or in the boiling of salt, or in any Government contract; but in such case the owner may commute for such service, by paying into the State Treasury a sum of money, to be computed at eleven dollars per month for each of such slaves for the time their labor would have been required under this Act.

Labor previously furnished to be credited.

XIII. That in the apportioning of the levies in the said several divisions, slave owners who have already furnished the slave labor shall be credited therefor, in the requisitions to be made under this Act; and no more labor shall be required from such owners than may be sufficient, with the labor already furnished by them, respectively, to make up their respective quotas.

In the Senate House, the eighteenth day of December, in the year of our Lord one thousand eight hundred and sixty-two, and in the eighty-seventh year of the sovereignty and independence of the State of South Carolina.

W. D. PORTER, President of the Senate.

A. P. ALDRICH, Speaker House of Representatives.

AN ACT TO AMEND AN ACT ENTITLED "AN ACT TO ORGANIZE AND SUPPLY NEGRO LABOR FOR COAST DEFENSE, IN COMPLIANCE WITH REQUISITIONS OF THE GOVERNMENT OF THE CONFEDERATE STATES," AND TO AUTHORIZE AND DIRECT THE GOVERNOR TO PROCEED TO FURNISH NEGRO LABOR UNDER SAID ACT.

A. D. 1863.

No. 4615.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That an Act entitled "An Act to organize and supply negro labor for coast defense, in compliance with requisitions of the Government of the Confederate States," passed on the eighteenth day of December, Anno Domini eighteen hundred and sixty-two, be, and the same is hereby, amended, and that the State Agent, appointed under the fourth Section of said Act, shall have the power, and is hereby authorized, to appoint, with the approval of the Governor, such number of assistant agents as in his judgment may be necessary to enable him to execute the provisions of the sixth Section of said Act, and, as a compensation for their services while so employed, they shall be entitled to receive two dollars per diem.

Amendment
allowing assist-
ant agents.

II. That the eleventh Section of said Act be so amended that, instead of the fines and penalties therein imposed upon such owners of slaves as shall neglect or refuse to send their slaves, according to the requirements of said Act, such defaulters shall be liable to a fine of one and a half dollars per diem for each slave, for the time they shall be liable to send such slaves, to be imposed and collected by the Commissioners of Roads in the District where such default has been made, in the manner now provided by law for default in the performance of said duty.

Amendment
increasing fine
for default.

III. That the Governor be, and is hereby, authorized and directed, to proceed to furnish negro labor to the Confederate Government under said Act; notwithstanding said Government has not, through the proper officer authorized thereto, assented and agreed to the provisions contained in said Act, declaring said Government liable to the owner for any loss or damage of or to the slave or slaves during his or their service: *Provided, however,* That the State does not, by this Act, waive the right to insist upon such liability, as well as all the provisions of said Act, and the amendments thereto, and he is hereby directed to take such proceedings as he may deem necessary and proper to bring said provisions to the notice of the Congress of the Confederate States, and procure their assent to all its terms and conditions.

Governor to
furnish negro
labor.

In the Senate House, the sixth day of February, in the year of our Lord one thousand eight hundred and sixty-three, and in the eighty-seventh year of the sovereignty and independence of the State of South Carolina.

WILLIAM D. PORTER, President of the Senate.

A. P. ALDRICH, Speaker House of Representatives.

A. D. 1863.

No. 4616.

AN ACT TO AMEND AN ACT ENTITLED "AN ACT TO AMEND AN ACT ENTITLED 'AN ACT TO ORGANIZE AND SUPPLY NEGRO LABOR FOR COAST DEFENSE, IN COMPLIANCE WITH REQUISITIONS OF THE GOVERNMENT OF THE CONFEDERATE STATES,'" AND FOR OTHER PURPOSES.

Twelfth Section of Act of December 1862, repealed.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the twelfth Section of an Act entitled "An Act to organize and supply negro labor for the coast defense, in compliance with requisitions of the Government of the Confederate States," passed on the eighteenth day of December, Anno Domini one thousand eight hundred and sixty-two, be, and the same is hereby, repealed.

Commissioners to return defaulters on oath.

II. That the Commissioners of Roads be, and they are hereby, required to make returns, on oath, to their respective Boards of all persons within their divisions who shall make default in furnishing their quota of negro labor when called for, in pursuance of said Act; and it shall be the duty of said Boards to report the names of all such defaulters to the Fall Term of the Court of Common Pleas and General Sessions, and also what action they have taken in relation to such defaulters.

City authorities, &c., to report defaulters.

III. That the authorities of any incorporated city, town or village not subject to the jurisdiction of the Commissioners of Roads in the performance of road duty, shall cause returns to be made, on oath, of all persons within their jurisdiction who shall make default in furnishing his or her quota of labor when called for, in pursuance of said Act, and report all such defaulters as hereinbefore required of the Boards of Commissioners of Roads.

One slave exempted.

IV. That persons owning only one slave liable to road duty shall be exempted from furnishing labor under said Act.

Commissioners may fill vacancies.

V. That a number less than a quorum of any Board of Commissioners of Roads shall have the power, and are hereby directed, to appoint persons to vacancies occasioned by the absence of members from the State, until a quorum shall be formed; and it shall be lawful to appoint persons who are not liable to road duty to fill any vacancy in said Boards.

Commissioners to collect fines for default.

VI. That the second Section of an Act entitled "An Act to amend an 'Act to organize and supply negro labor for coast defense, in compliance with requisitions of the Government of the Confederate States,' and to authorize and direct the Governor to proceed to furnish negro labor under the said Act," passed on the sixth day of February, Anno Domini one thousand eight hundred and sixty-three, be, and the same is hereby, altered and amended, so that the Commissioners of Roads be, and are hereby, authorized and directed to collect the fines imposed for such default, in the manner now provided by law for default in the performance of road duty, and to pay the fine so collected to the State Agent, to be by him expended in the hire of negroes to be employed on coast defenses.

State Agent to hire negroes.

Penalty for failure to comply with provisions of Act.

VII. That if any Commissioner of Roads, or any Board of Commissioners, or the authorities of any incorporate city, town, or village, shall neglect or refuse to comply with the provisions of this

Act, he or they shall suffer, for each and every default, the same pains and penalties, and in the same manner, as are now prescribed by the statute law of this State for the punishment of Commissioners of Roads for neglect or refusal to discharge the duties required of them.

A. D. 1863.

In the Senate House, the tenth day of April, in the year of our Lord one thousand eight hundred and sixty-three, and in the eighty-seventh year of the sovereignty and independence of the State of South Carolina.

W. D. PORTER, President of the Senate.

A. P. ALDRICH, Speaker House of Representatives.

AN ACT TO SUPPRESS THE UNDUE DISTILLATION OF SPIRITUOUS LIQUORS FROM THE CEREAL GRAINS OF THIS STATE. No. 4617.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That from and after the ratification of this Act, it shall be unlawful to distill, or cause to be distilled, or be concerned in the distillation of spirituous liquors from corn, wheat, rye, barley, rice, or any of the cereal grains within the limits of this State, except as hereinafter provided; and any person or persons who shall distill, or cause to be distilled, or be concerned in the distillation of the grains, or any of them, aforesaid, in violation of the provisions of this Act, shall be deemed guilty of a high misdemeanor, and on conviction in the Court of Sessions, in addition to forfeiting their stills and other apparatus used in the distillation, shall be imprisoned not less than six months nor more than two years, and be fined in any sum, in the discretion of the Court, not less than one thousand nor more than five thousand dollars—two hundred and fifty dollars of which shall go to the informer, who shall be a competent witness to prove the fact: *Provided*, That existing contracts made with the Medical Purveyor of the Confederate government for the distillation of whisky or alcohol may be executed according to their terms: *And provided further*, That the Governor, if satisfactorily informed that a supply of spirits, which cannot be otherwise obtained, is absolutely necessary for medicinal purposes in this State, may contract with a proper number of responsible and skilled agents, in any one or more of the Districts, to manufacture a limited quantity of pure spirits, at a limited and reasonable price, strictly for medicinal purposes, taking care that such proper disposition of the product is made as to secure its application alone to the purposes intended.

Distilling unlawful.

Penalty.

Proviso.

Governor may contract with Agents.

II. That agents thus appointed, before entering on the execution of their contracts, shall enter into bond, payable to the State, in a sum equal to treble the value of their contracts, respectively, with two or more good sureties, before the Clerk of the Court of the District in which they reside, conditioned that the spirits to be manufactured by them shall be pure, and delivered within the time limited; that they will distill no more than is mentioned in their con-

Agents to give bond.

A. D. 1863.

tracts; and that they will turn over all that is distilled, as directed by the Governor; which bond, if forfeited, may be estreated as other recognizances in the Court of Sessions; and shall also take and subscribe an oath before the Clerk of the Court, to be filed in his office, that they will truly comply with the terms of their contract, and will distill no more, nor dispose of any portion of that distilled, otherwise than is mentioned in their said contracts, upon which oath, if violated, perjury may be assigned in the Court of Sessions.

Magistrates to see Act enforced.

III. That it shall be the duty of the Magistrates of this State, in their respective Districts, to see that the provisions of this Act are enforced; and if, from personal observation or information on oath, it shall come to the knowledge of any one of them that any person or persons are engaged, or have been engaged, in unlawful distilling, it shall be the duty of such Magistrate to issue his warrant commanding the arrest of the party or parties, and the seizure of the stills and other apparatus used in the distillation; the party or parties to be held to answer to an indictment as herein provided, and the stills and other apparatus seized to be detained pending the prosecution, and, on conviction, to be appropriated to the public use, as may be ordered by the Court.

Patrol to report violations.

IV. That every Captain of patrol shall, in his regular return to the Captain of the beat, report any violations of this law, and said Captain shall immediately report the fact to the nearest Magistrate, for action thereon.

Limitation.

V. That this Act shall continue in existence for six months after a treaty of peace with the United States, and no longer.

In the Senate House, the eighteenth day of December, in the year of our Lord one thousand eight hundred and sixty-two, and the eighty-seventh year of the sovereignty and independence of the State of South Carolina.

W. D. PORTER, President of the Senate.

A. P. ALDRICH, Speaker House of Representatives.

No. 4618. AN ACT TO SUPPRESS THE DISTILLATION OF SPIRITUOUS LIQUORS IN THIS STATE.

Distillation prohibited.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That from and after the ratification of this Act, and during the continuance of the existing war between the Confederate States and United States of America, the distillation of spirituous liquors of any name or kind, from any material or substance, other than the ordinary fruits in their season, shall be, and is hereby, absolutely prohibited, except as hereinafter provided; and any person or persons who shall distill, or cause to be distilled, or be concerned in the distillation of any spirituous liquors in this State, or who shall transport, or cause to be transported, or be concerned in the transportation of any material or substance whatsoever, other than the fruits aforesaid, beyond the limits of this State, for the purpose

Penalty for distilling or exporting for distillation.

or with the knowledge that the same is to be distilled into spirituous liquors, shall be deemed guilty of a high misdemeanor, and, on conviction, in addition to forfeiting their stills and other apparatus used in the distillation to the public use, shall be imprisoned not less than six months nor more than two years, and be fined not less than one thousand nor more than five thousand dollars, two hundred and fifty dollars of which fine shall go to the informer, who shall be a competent witness to prove the fact.

A. D. 1863.

II. That His Excellency the Governor, on being satisfactorily assured that an increased quantity of spirituous liquors, which cannot be otherwise procured, is absolutely necessary for medicinal purposes in this State, shall have power to have manufactured, at some central and convenient location, by skilled and responsible agents, at fixed salaries, to be appointed by himself, such quantity of alcohol or pure spirits as shall be deemed requisite for the purposes aforesaid; and to make such rules and regulations for the distribution of the same, wherever needed throughout the State, as shall be most convenient and effectual to meet the public exigency, and at the same time secure its application, as far as is practicable, exclusively to medicinal purposes.

Governor may have power to appoint agents to distill.

III. That it shall not be lawful for apothecaries, physicians, or other persons who shall purchase or procure any portion of the alcohol or spirituous liquors distilled by the authority aforesaid, to resell or dispose of the same, in any quantity, to any person or persons, for any other than strictly medicinal purposes, or at an advance of more than twenty-five per centum on its cost; and any person who shall violate the provisions of this Section shall be deemed guilty of a misdemeanor, and, on conviction, be imprisoned for any time not exceeding six months, and fined in any sum not exceeding five hundred dollars.

Regulations as to apothecaries, &c.

Penalty.

IV. That His Excellency the Governor shall be, and is hereby, authorized to employ special agents, one or more, and fix their compensation, for the purpose of enforcing, under the orders of the Governor, the provisions of this Act; and it shall be the duty of the several Sheriffs, Deputy Sheriffs, Magistrates and Constables of this State to render to such agents any assistance that may be required in the discharge of their duties, under the pain of being indicted as for official misconduct.

Governor authorized to appoint agents to enforce Act.

V. That all licenses or permits heretofore granted by the Governor, or any other authority, to any person or persons to distill spirituous liquors in this State shall be, and the same are hereby, revoked and declared void; and all Acts and parts of Acts inconsistent with this Act are hereby repealed: *Provided*, That the General Assembly may make reasonable compensation to persons to whom the Governor has heretofore granted licenses, for any damage done to them by revoking said licenses.

Former licenses revoked.

Compensation allowed.

In the Senate House, the tenth day of April, in the year of our Lord one thousand eight hundred and sixty-three, and in the eighty-seventh year of the sovereignty and independence of the State of South Carolina.

W. D. PORTER, President of the Senate.

A. P. ALDRICH, Speaker House of Representatives.

A. D. 1863.

No. 4619.

AN ACT TO PREVENT AND PUNISH THE PLANTING AND CULTIVATING, IN THIS STATE, OVER A CERTAIN QUANTITY OF COTTON DURING THE PRESENT YEAR.

Area to be
planted in cot-
ton limited.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That during the war in which we are now engaged, it shall not be lawful for any person or persons, during the present year, whether residing in this State or not, to plant or cultivate in this State, by themselves, their agents or employees, or to allow the same to be done, a greater number of acres of land in cotton than three acres of short staple or one and a half of long staple, for each hand owned or employed by them in agriculture between the ages of fifteen and fifty-five; and when said person or persons may own or employ hands over fifty-five years of age and under sixty-five, or over twelve years of age and under fifteen, two of said hands shall be counted as one hand: *Provided*, That nothing contained in this Act shall be construed to affect the right of any white person himself to plant and cultivate cotton according to the rate herein prescribed.

Penalty for vi-
olation.

II. That every violator of this law shall be guilty of a misdemeanor, and, upon conviction thereof, shall be fined the sum of five hundred dollars for each and every acre so planted above the number specified; such penalty to be paid to the "Soldiers' Board of Relief" of the District where such conviction takes place.

Rule of survey
to be issued.

III. That after warrant issued against any person or persons, for a violation of this Act, it shall be the duty of the Clerk of the Court of General Sessions and Common Pleas for the District in which the offense is charged, upon the application, under oath, of either party, prosecutor or defendant, to issue a rule of survey in the case, giving five days' notice thereof to the opposite party, the costs of such rule and survey to be taxed in the bill of costs, upon the final adjudication of the case.

Planters to re-
turn number of
hands to Tax
Collectors.

IV. That all owners of slaves or employees shall give in, on oath, to the Tax Collector, the number of hands owned or employed by them in agriculture, between the ages of twelve and fifteen, and fifteen and fifty-five, and fifty-five and sixty-five, each year during said war, under a penalty of one hundred dollars for each hand, to be recovered as specified in the former Sections of this Act.

Judges to
charge grand
juries.

V. That the Judges of the Courts of Common Pleas and General Sessions be required to give this law specially in charge to the Grand Juries, at each term of their Courts, during said war with the Abolitionists.

In the Senate House, the sixth day of February, in the year of our Lord one thousand eight hundred and sixty-three, and in the eighty-seventh year of the sovereignty and independence of the State of South Carolina.

W. D. PORTER, President of the Senate.

A. P. ALDRICH, Speaker House of Representatives.

AN ACT TO AMEND AN ACT ENTITLED "AN ACT TO PREVENT AND PUNISH THE PLANTING AND CULTIVATING, IN THIS STATE, OVER A CERTAIN QUANTITY OF COTTON DURING THE PRESENT YEAR."

A. D. 1863.

No. 4620.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That an Act entitled "An Act to prevent and punish the planting and cultivating, in this State, over a certain amount of cotton during the present year," ratified on the sixth day of February, in the year of our Lord one thousand eight hundred and sixty-three, be, and the same is hereby, altered and amended, so as to read as follows, to wit: That until the first day of January next, it shall not be lawful for any person or persons to plant, cultivate, or gather, or allow the same to be done, more than one acre of cotton for each hand employed in agriculture by such person or persons, between the ages of fifteen and fifty five years; and where hands over fifty-five, and under sixty-five years of age, or over twelve, and under fifteen years of age are employed by any cultivator of cotton, two of such hands shall be counted as one: *Provided*, That no employee shall be counted as a hand, or half-hand, in any case, but such as are engaged in agriculture: *And provided, further*, That white persons shall have the right to plant and cultivate a like quantity of cotton, whether exclusively engaged in agriculture or not.

Area limited to one acre per hand.

What hands shall be counted.

II. That every person who shall plant, or be concerned in planting, cultivating or gathering, during the present year, more cotton per hand than is hereinbefore specified, shall be deemed guilty of a misdemeanor, and, on conviction, be fined in the sum of five hundred dollars for each acre, or fractional part of an acre so planted, cultivated or gathered, above the quantity so specified; one-half of which shall go to the informer, who shall be a competent witness to prove the fact, and the other half to the "Soldiers' Board of Relief" of the District in which the conviction shall be had.

Penalty for violation of Act.

III. That if it shall come to the knowledge of His Excellency the Governor, or to the knowledge of any of the Judges, Solicitors, Clerks of the Courts, Magistrates, or other public officers of this State, by personal observation or information, on oath, that any person or persons have violated the provisions of this Act, it shall be the duty of such public officer to cause a warrant to forthwith issue for the apprehension of the offender or offenders, to the end that they may be held to answer an indictment at the next Court of Sessions of the District, in which no imparlance shall be allowed; and after the issue of such warrant, it shall be the duty of the Clerk of the Court of General Sessions and Common Pleas of the District, on the application of either prosecutor or defendant, to issue a rule of survey in the case, directed to some competent surveyor, giving five days' notice to the opposite party; and such surveyor is hereby required to go forthwith upon the premises of the party or parties charged, and ascertain, by actual measurement, the quantity of cotton planted, cultivated or gathered by such party or parties, and make return thereof to the Court from which the rule issues, the expenses of such rule and survey to be taxed in the bill of costs on the final adjudication of the case.

Duties of officers.

Surveyor to measure land.

A. D. 1863.
 Oath of plant-
 ers.

IV. That it shall be the duty of all persons who cultivate cotton to render in on oath to the Tax Collector of the District in which they reside the number of hands owned or employed by them in agriculture, between the ages of twelve and fifteen, fifteen and fifty-five, and fifty-five and sixty-five, during the present year, under a penalty of one hundred dollars for each hand omitted to be returned to the Tax Collector, to be recovered as specified in the former Section of this Act; which returns the Tax Collectors are hereby required to receive.

Duty of Judges

V. That it shall be the duty of the Judges of the Courts of General Sessions to give this Act specially in charge to the Grand Juries at each term of said Courts, during the present year.

In the Senate House, the tenth day of April, in the year of our Lord one thousand eight hundred and sixty-three, and in the eighty-seventh year of the sovereignty and independence of the State of South Carolina.

W. D. PORTER, President of the Senate.

A. P. ALDRICH, Speaker House of Representatives.

No. 4621.

AN ACT TO PROVIDE AGAINST DEARTH OF SALT.

Governor em-
 powered to
 contract for
 purchase of
 salt.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the Governor shall be, and he is hereby, empowered to contract, in behalf of the State, for the purchase of salt, whereof not more than twenty thousand bushels shall be delivered in each, and every year, for the term of twenty years from and after the passing of this Act, at any price not exceeding fifty cents per bushel: *Provided*, That the salt so to be purchased shall be made within the State, by solar evaporation: *And provided, also*, That no such contract shall be made for the purchase of more than five thousand bushels of salt annually from one and the same person, partnership or corporation, or of more than five thousand bushels annually of the produce of any one establishment for the making of salt: *And provided, further*, That the said salt shall be delivered in Charleston or Columbia, at the option of the seller.

Delivery of salt
 suspended.

II. It shall be lawful for the Governor to dispense with the delivery of salt under any such contract as aforesaid, whenever, and so long, as the current price of salt in Charleston shall be above fifty cents per bushel; and a stipulation to that effect may be inserted in the contract.

Magazines to
 be provided.

III. There shall be constructed, or otherwise procured, for the use of the State, two public magazines, or store houses, for the storing and safe keeping of salt, each capable of containing at least one hundred thousand bushels, one of which shall be located in or near the city of Charleston, and the other in or near the city of Columbia; and for the purpose of purchasing such magazines or store

houses, or of purchasing proper sites and erecting suitable buildings for the same, the sum of twenty thousand dollars is hereby appropriated.

A. D. 1863.

IV. The Governor shall appoint three Commissioners for Charleston, and three Commissioners for Columbia, who shall be styled, respectively, "Commissioners of the Charleston Salt Magazine" and "Commissioners of the Columbia Salt Magazine" And the said Commissioners shall hold their offices for the term of four years from the time of their appointment, and until a new appointment shall be made; and it shall be their duty to direct and superintend the purchase or construction of the magazines for which they are respectively appointed, and for that purpose they shall be authorized to draw the money hereinbefore appropriated, as the same may be from time to time required. It shall also be the duty of the said Commissioners and their successors to receive such salt as may be delivered under any contract made in behalf of the State for the purchase of salt, in pursuance of the provisions of this Act, and to cause the same to be stored and safely kept in public magazines to be provided therefor; and for that purpose they shall be authorized to employ proper persons under them, at such reasonable compensation as may be fixed by them, with the approbation of the Governor, subject always, however, to the revision and control of the Legislature.

Commissioners appointed, and their duties.

V. In case any salt shall be delivered in pursuance of any such contract as aforesaid, before the said public magazines, or either of them, shall be ready to receive the same, the said Commissioners shall be authorized to sell such salt at the highest price that can be obtained therefor; and whenever the said magazines shall be full, the Commissioners shall also be authorized, in the same manner, to sell such salt as may be delivered under any such contract.

Commissioners to sell salt.

VI. Whenever the current price of salt at Charleston or Columbia shall be above two and a half dollars per bushel, the said Commissioners shall sell to the citizens of this State such salt as may then be stored in the said magazines, at the price of two and a half dollars per bushel, under such regulations, to be established by the Commissioners, with the concurrence and approval of the Governor, as may secure to the people of every part of the State a fair and equal participation in the benefit of such sales, and prevent the said salt from being purchased for re-sale or speculation, or exportation from the State.

Limitation of price.

VII. The construction of the said magazines shall not be commenced, nor shall any land or buildings for the same be purchased before the expiration of one year from the passing of this Act.

When to commence.

In the Senate House, the sixth day of February, in the year of our Lord one thousand eight hundred and sixty-three, and in the eighty-seventh year of the sovereignty and independence of the State of South Carolina.

WILLIAM D. PORTER, President of the Senate.
A. P. ALDRICH, Speaker House of Representatives.

A. D. 1863.

No. 4622.

AN ACT TO INCORPORATE CERTAIN RELIGIOUS AND CHARITABLE SOCIETIES, AND TO RENEW AND AMEND THE CHARTERS OF OTHERS HERETOFORE GRANTED.

Chesnut Ridge
Baptist
Church.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That Dowens Barksdale, J. M. Franks, and Ambrose Martin, Trustees of the Chesnut Ridge Baptist Church, in Laurens District, and their successors in the said office, appointed from time to time, in conformity with the rules and discipline of the said Church, be, and they are hereby, created a body politic and corporate, by the name of "The Trustees of the Chesnut Ridge Baptist Church of Laurens District," for the period of twenty-one years from the ratification of this Act; and shall have power to have and use a common seal, to sue and be sued, plead and be impleaded, in any Court of this State; to make all by-laws necessary and proper for the purposes of said corporation, not repugnant to the laws of this State; to hold and enjoy real estate, and the same, or any part thereof, to alien, encumber, lease, or otherwise by deed dispose of at will, and in general to exercise and enjoy all the powers and privileges incident to such like corporations.

Orangeburg
Baptist
Church.

II. That P. A. McMichael, D. S. Tyler, and B. Williamson, Trustees of the "Orangeburg Baptist Church, in Orangeburg village," and their successors in the said office, appointed from time to time, in conformity with the rules and discipline of the said Church, be, and they are hereby, created a body politic and corporate, by the name of the "Trustees of the Orangeburg Baptist Church," in the village of Orangeburg, for the period of twenty-one years from the ratification of this Act, and shall have power to have and use a common seal; to sue and be sued, plead and be impleaded, in any Court of this State; to make all by-laws necessary and proper for the purposes of said corporation, not repugnant to the laws of this State; to hold and enjoy real estate, and the same, or any part thereof, to alien, encumber, lease, or otherwise by deed dispose of at will, and in general to exercise and enjoy all the powers and privileges incident to such like corporations.

Little Generos-
tee Presby-
terian Church.

III. That the charter heretofore granted to the "Associate Reformed Presbyterian Church of Little Generos-tee," Anderson District, be, and the same is hereby, renewed and extended for a period of twenty-one years from the day on which the said charter, according to its present limitation, will expire, and with all the rights, powers, privileges and immunities heretofore granted to said corporation.

Moriah Bap-
tist Church.

IV. That P. T. Hammond, Moderator, and John S. Croxton, Clerk, of the Moriah Baptist Association, of Lancaster District, and their successors in office, be, and they are hereby, declared to be, a body politic and corporate, by the name and style of the "Moriah Baptist Association, in Lancaster District," for the period of twenty-one years from the ratification of this Act; and shall have power to have and use a common seal, to sue and be sued, plead and be impleaded, in any Court of this State; to make all by-laws necessary and proper for the purposes of said corporation, not repugnant to the laws of this State; to hold and enjoy real and

personal estate, and to sell, alien, or transfer the same, or any part thereof: *Provided*, The said amount of property so held shall at no time exceed thirty thousand dollars.

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V. That J. J. Bonner, H. T. Sloan, J. N. Young, E. L. Patton, J. Boyce, J. L. Miller, H. W. Pressly, H. L. Murphy, T. B. Chalmers, J. P. Kennedy, P. H. Bradley, R. C. Sharp, and their successors in office, be, and they are hereby declared, a body politic and corporate, by the name and style of the "Erskine Theological Seminary," with all the rights, powers and privileges incident to bodies politic and corporate; to hold real and personal property, not exceeding two hundred thousand dollars; to elect their officers, and to fill all vacancies in their own body; to take control and manage the funds of the said institution, and to discharge all the duties pertaining to the same; and that the said "Erskine Theological Seminary," with its Professors, its property, its Board of Trustees, and all its interests, be, and the same are hereby, placed under the management of the Associate Reformed Synod of the South.

Erskine Theological Seminary.

VI. That the officers and members of the Associate Reformed Church at Yorkville be, and they are hereby, created and constituted a body politic and corporate, by the name and style of the "Associate Reformed Church of Yorkville," with all the rights, powers and privileges incident to such corporations; and the said corporation shall have power to retain, possess and enjoy, and the same to alien at will, all such property as said Church now possesses, or is entitled to, or which shall hereafter be given, granted, bequeathed to, or in any manner acquired by it: *Provided*, That said property shall not at any time exceed in value the sum of twenty thousand dollars.

Associate Reformed Church, of Yorkville.

VII. That Dr. Peter Moon, F. B. Higgins, R. Stewart, A. C. Garlington, Simeon Fair, and their associates and successors, be, and they are hereby, made a body politic and corporate in law, under the name and style of the "Rosemonte Cemetery Association," and by that name shall be able and capable in law to have and use a common seal, to sue and be sued, to plead and be impleaded, in any Court of law or equity, with the other powers usually incident to other corporations; and shall have power to purchase, have, hold, and to enjoy, to them and their successors, such tract or tracts of land, in the neighborhood of the town of Newberry, not exceeding twenty acres, as they may select for the purpose of a Cemetery: *Provided*, That the lands so purchased shall not be more than two miles distant from the said town, and shall be used exclusively as a place of burial for the dead, and that deeds and plats thereof shall be recorded in the office of the Register of Mesne Conveyances for Newberry District within three months after the execution of the said deed or deeds.

Rosemonte Cemetery Association.

VIII. That the persons named above shall be the first Board of Directors of the said Rosemonte Cemetery Association, and shall have power to lay out and ornament the grounds, to erect all buildings and fixtures necessary for carrying into effect the purposes of this Act, to dispose of and arrange burial lots, and to make such by-laws, rules and regulations, relative to the election of Directors, and their successors, and the appointment of suitable officers and agents, and also such rules and regulations for the government of lot-holders

Powers of Board of Directors.

A. D. 1863.

and visitors to the Cemetery, and for the management of the affairs of the Association generally, as from time to time they may deem necessary; that the said Rosemonte Cemetery Association shall be able and capable in law to sell and dispose of the abovementioned land for burial lots, and also to have and hold so much personal estate, and no more, as may be necessary for the purposes of this incorporation: *Provided*, That said land, selected for a Cemetery, shall never be granted but for burial lots, and that the lots so granted shall be held by the proprietors for the purpose of sepulture alone.

No streets to
be opened.

IX. That no streets or roads shall hereafter be opened through the lands so appropriated, except by and with the consent of this corporation.

Penalty for
mutilation or
destruction of
tombs, &c.

X. That any person who shall wilfully destroy, mutilate, deface or injure, or remove any tomb, monument, grave-stone or other structure placed in the Cemetery aforesaid, or any fence, railing or other works for the protection or ornament of any tomb, monument or grave-stone, or other structure aforesaid, shall be deemed guilty of a misdemeanor, and shall, on conviction thereof before any Court of General Sessions, be punished by a fine, at the discretion of the presiding Justice, according to the aggravation of the offence, of not less than five or more than fifty dollars.

Members in-
dividually lia-
ble for debts.

XI. That the members of said corporation shall be jointly and severally liable for all debts and contracts made by the said corporation during the period of their membership.

Exemption.

XII. That the said Cemetery grounds shall be exempt from taxation, and also from levy and sale under execution.

R.W. Southern
Grand Lodge
I. O. O. F.

XIII. That the Right Worthy Southern Grand Lodge of the Independent Order of Odd Fellows of the State of South Carolina be, and the same is hereby, created and constituted a body politic and corporate, by the name and style aforesaid, with all the powers and privileges incident to such corporations.

In the Senate House, the sixth day of February, in the year of our Lord one thousand eight hundred and sixty-three, and in the eighty-seventh year of the sovereignty and independence of the State of South Carolina.

W. D. PORTER, President of the Senate.

A. P. ALDRICH, Speaker House of Representatives.

No. 4623. AN ACT TO PROVIDE FOR THE PAYMENT BY THE STATE OF SUCH WAR TAX AS MAY BE IMPOSED BY THE CONGRESS OF THE CONFEDERATE STATES DURING THE YEAR ONE THOUSAND EIGHT HUNDRED AND SIXTY-THREE, AND FOR THE COLLECTION OF THE SAME FROM THE TAX PAYERS IN THIS STATE.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That upon the imposition of a war tax during the year one

thousand eight hundred and sixty-two, by the Congress of the Confederate States, and when the Chief Collector of the Confederate States for South Carolina shall have completed the assessment and tax returns in this State, and the sum total of the said war tax payable by the people of the State shall be made known, it shall be the duty of the Treasurer of the Lower Division and the President of the Bank of the State of South Carolina to deduct from the total of the tax, as aforesaid, such per centum, if any is allowed, as is provided by the Act of the Congress of the Confederate States imposing such war tax, and to pay the amount of the residue thus ascertained into the Treasury of the Confederate States, in such manner as the Secretary of the Treasury of the Confederate States may direct, on or immediately before such day as may be fixed by such Act of the Congress of the Confederate States, or appointed by authority of the Confederate States, for the payment of such war tax.

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President of
Bank and Treas-
urer of Lower
Division to pay
tax.

II. That to provide the funds to pay the tax as aforesaid, the Treasurer of the Lower Division and the President of the Bank of the State of South Carolina are hereby authorized and directed to borrow an amount of money equal to the net sum of the said tax, and to pledge the faith and funds of the State of South Carolina for the payment of the said loan and the interest to accrue thereon, and jointly to sign, on behalf of the State, the contracts made for the said loan.

To borrow
money.

III. That it shall be the duty of the Treasurer of the Lower Division and the President of the Bank of the State of South Carolina, on making payment of the tax as aforesaid, to procure from the Chief Collector of the Confederate States the books containing the tax returns for the said war tax of all the tax districts in South Carolina, and to distribute and deliver the same to the several Tax Collectors of this State, within five days after the receipt of the same.

To procure
and deliver tax
books.

IV. That each Tax Collector of this State shall execute his bond, with three good sureties, to be approved and deposited as bonds of Tax Collectors are now required by law, in a sum equal to the amount of the general tax for his collection district for the year one thousand eight hundred and sixty-two, which said bonds shall be executed and deposited with the proper officer on or before the first day of April next. And in case any Tax Collector shall fail to execute his bond, in manner aforesaid, by the time aforesaid, the Governor is hereby authorized and required to appoint a Collector in the place of the Tax Collector so making default; and the person so appointed shall execute his bond in three times the amount of the general tax of his collection district for the year last preceding his appointment, with three good sureties, to be approved and lodged in the proper office, as now required by law of Tax Collectors, within two weeks after the date of his appointment, and before he enters upon the duties of his office.

Tax Collectors
to give bond.

On failure
to give bond,
Governor may
appoint Collec-
tor.

V. That it shall be the duty of the Tax Collectors to open their books to receive payment of the said war tax on a day not later than twenty-five days after the delivery to the said Tax Collectors of the said tax returns, and which shall be uniform throughout the State, and to keep them open for the period of thirty days, and to

When books to
be opened.

A. D. 1863.

Deduction
allowed.Books to be
re-opened.Tax collected
to be in lieu
of Confederate
Tax.If in form of
quota, what
proceedings to
be had.Duties of Tax
Collectors under
proclamation
of Govern-
nor.

give notice of the same in the same manner as in the collection of the taxes of the State. And all tax-payers who shall make payment on or before the then closing of the said books, shall be entitled to a deduction of one-half of the per centum, if any, allowed by the Act of the Congress of the Confederate States, from the amount of their tax; and the Tax Collectors are hereby authorized and required to make the said abatement.

VI. That it shall be the duty of the Tax Collectors to re-open their books on a day not later than one hundred and fifteen days after the delivery to the said Tax Collectors of the said tax returns, and which shall be uniform throughout the State, and keep them open for the period of thirty days, giving the same public notice as before, to receive the taxes of such persons as may not have paid during the time when the books first were open: *Provided*, That no abatement shall be made of the full sum assessed of the taxes to be paid during the second opening of the books, as herein provided

VII. That the tax to be levied and collected as aforesaid shall be the same in amount, and in lieu of any war tax which may be imposed during the year one thousand eight hundred and sixty-three, by any Act of the Congress of the Confederate States; and the Tax Collectors shall collect the same in conformity with the returns and amounts set forth in the books of the Tax Collectors of the Confederate States, furnished them by the Treasurer of the Lower Division and the President of the Bank of the State of South Carolina, as hereinbefore provided: *Provided*, That in case the said tax shall be imposed in the form of a quota upon the States of the Confederacy, or in any manner otherwise than upon the property of the tax-payers, then it shall be the duty of the Governor, together with the Treasurer of the Lower Division and the President of the Bank of the State of South Carolina to fix such rate of taxation upon all species of property specified in the Act of the Congress of the Confederate States, entitled "An Act to authorize the issue of treasury notes, and to provide a war tax for their redemption," approved the nineteenth day of August, one thousand eight hundred and sixty-one, as shall be sufficient to meet the war tax so imposed; and upon the fixing of such rate of taxation it shall be the duty of the Governor to issue a proclamation, giving notice of the species of property liable to taxation, and of the rate of taxation to be levied thereupon; and it shall then become the duty of the said Tax Collectors, on a day not later than twenty-five days after the publication of the said proclamation, which day shall be uniform throughout the State, and of which notice shall be given as for the collection of the general tax, to open their books to receive returns from the tax-payers of this State, and to keep the same open for a period of thirty days; and it shall then become the duty of the said Tax Collectors, respectively, to assess the value of the property so returned, upon the same basis and principles as under the aforesaid Act of Congress, and it shall be the further duty of the said Tax Collectors to re-open their books, on a day not later than thirty days after the closing of the same for returns, which day shall be uniform throughout the State, and of which notice shall be

given as aforesaid, for the reception of the tax so assessed, and to keep the same open for a period of sixty days: *Provided, also,* That in case the above proviso shall become operative, then the fifth and sixth Sections of this Act shall become and be inoperative.

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VIII. That the compensation to be allowed to Tax Collectors for the collection of the tax aforesaid, and the discharge of all the duties prescribed in this Act, shall be as follows, to wit: Two per centum on the first ten thousand dollars of the sums collected, and one-half of one per centum on the remainder of the same: *Provided,* That in no case shall the compensation be less than three hundred dollars, nor more than eight hundred dollars: *And provided,* That the compensation of the Tax Collector for the Parishes of St. Philip's and St. Michael's shall be two thousand five hundred dollars.

Compensation
of Tax Collec-
tors.

IX. That returns shall be made as usual by the Tax Collectors to the Treasurer of the Upper Division, and the Treasurer of the Lower Division, within thirty days after the respective periods in this Act mentioned for the closing of the books, and the moneys collected paid into the Treasury within the same time.

Returns of Tax
Collectors.

X. That the Treasurer of the Lower Division and the President of the Bank of the State of South Carolina are hereby authorized to draw from the Treasury of the State all sums deposited therein as the produce of the war tax aforesaid, and apply the same, as it may be paid in, to the gradual reduction and final extinguishment of the loan made by them, both of the principal and interest thereon: *Provided, however,* That no more of the said moneys shall be drawn than is necessary to discharge the principal and interest of the debt.

Moneys re-
ceived, how ap-
propriated.

XI. That all existing penalties and forfeitures imposed by law, and all other provisions made by law for the enforcement of the collection of State taxes, are hereby adopted and applied to the collection of taxes under this Act, and the said taxes shall be payable in the medium provided by law for the payment of State taxes.

Penalties and
forfeitures.

In the Senate House, the sixth day of February, in the year of our Lord one thousand eight hundred and sixty-three, and in the eighty-seventh year of the sovereignty and independence of the State of South Carolina.

W. D. PORTER, President of the Senate.

A. P. ALDRICH, Speaker House of Representatives.

AN ACT TO AMEND AN ACT ENTITLED "AN ACT TO PROVIDE FOR THE PAYMENT BY THE STATE OF THE WAR TAX OF THE CONFEDERATE STATES, AND FOR THE COLLECTION OF THE SAME FROM THE TAX-PAYERS IN THIS STATE." No. 4624.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the fifth, sixth and seventh Sections of an Act entitled "An Act to provide for the payment by the State of the war tax of

Part of Act of
1851 amended.

A. D. 1863.

the Confederate States, and for the collection of the same from the tax-payers in this State," ratified on the twenty-first day of December, in the year of our Lord one thousand eight hundred and sixty-one, be, and the same are hereby, amended so as to exclude the Tax Collectors and Sheriffs of this State from the collection of the war tax of the Confederate States from the tax-payers of the several Parishes and parts of Parishes hereinafter mentioned and established.

Certain Parishes exempt from taxation.

II. That the Tax Collectors of this State be excluded from collecting any war tax from the tax-payers in this State in the Parishes of St. John's, Colleton, St. Helena, and Prince George, Winyah; that the Treasurer of the Lower Division be required, upon the production and surrender of the Tax Collector's receipts, to refund to such tax-payers of the said Parishes as may have paid the war tax, the amounts severally paid by them.

Governor to appoint Commissioners.

III. That there shall be appointed, by his Excellency the Governor, one Commissioner in each of the following Parishes, to wit: St. Peter's, Prince William's, St. Bartholomew's, St. Andrew's, St. Luke's, St. James', Santee, and All Saints; and each Commissioner shall forthwith inquire and ascertain what portions of the Parish for which he has been appointed are in the possession of the enemy, or abandoned by orders from the Confederate officer within whose military District the said Parishes may be severally located; and upon such examination, such Commissioner shall report in writing to the President of the Bank of the State of South Carolina, and to the Treasurer of the Lower Division, what portion of each of said Parishes should be freed from the enforcement of the war tax of the Confederate States by reason of such possession or abandonment, designating in such report the names of tax-payers who are to be freed from such taxation.

Taxes to be refunded in certain cases.

IV. That upon the reports so made by the Commissioners, there shall be refunded from the Treasury of this State to the tax-payers residing within such portions of the said Parishes of St. Andrews, St. James', Santee, All Saints, and St. Luke's, the war tax paid by such tax-payer, upon the production by the tax-payer of evidence satisfactory to the Treasurer of the Lower Division of the payment of said war tax, and the President of the Bank of the State and the Treasurer of the Lower Division shall adopt the proper measures to obtain for the tax-payers of the Parishes of St. Peter's, St. Bartholomew's and Prince William's the benefits of the Act of Congress entitled "An Act to regulate the collection of the war tax in certain States invaded by the enemy," and upon the assent thereto being obtained from the President of the Confederate States, a similar refund shall be made to the tax-payers of the said last-named Parishes.

Amounts refunded to be deducted.

V. That the President of the Bank of the State of South Carolina and the Treasurer of the Lower Division shall, in the final settlement of the war tax of the Confederate States, deduct therefrom all such sums as may be ordered to be refunded under the provisions of this Act, and also of all such sums as shall be ordered to be refunded by the General Assembly in consequence of double war taxes, or war taxes incorrectly levied.

VI. That the Tax Collectors in the said Parishes, designated in

the fourth Section of this Act, shall proceed to the collection of the war tax in their several Parishes from all persons who have not heretofore paid the same, and whose names do not appear in the reports of the several Commissioners appointed under this Act as being entitled to exemption, and upon default of payment, shall proceed to enforce the payment in the manner provided by law.

A. D. 1863.

Persons not reported to pay tax.

In the Senate House, the sixth day of February, in the year of our Lord one thousand eight hundred and sixty-three, and in the eighty-seventh year of the sovereignty and independence of the State of South Carolina.

W. D. PORTER, President of the Senate.

A. P. ALDRICH, Speaker House of Representatives.

AN ACT TO REPEAL AN ACT ENTITLED "AN ACT TO PROVIDE FOR THE PAYMENT BY THE STATE OF SUCH WAR TAX AS MAY BE IMPOSED BY THE CONGRESS OF THE CONFEDERATE STATES DURING THE YEAR ONE THOUSAND EIGHT HUNDRED AND SIXTY-THREE, AND FOR THE COLLECTION OF THE SAME FROM THE TAX-PAYERS IN THIS STATE." No. 4625.

I. Be it enacted by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That an Act entitled "An Act to provide for the payment by the State of such War Tax as may be imposed by the Congress of the Confederate States during the year one thousand eight hundred and sixty-three, and for the collection of the same from the tax-payers in this State," be, and the same is hereby, repealed.

Act repealed.

In the Senate House, the tenth day of April, in the year of our Lord one thousand eight hundred and sixty-three, and the eighty-seventh year of the sovereignty and independence of the State of South Carolina.


W. D. PORTER, President of the Senate,

A. P. ALDRICH, Speaker House of Representatives.

AN ACT TO AUTHORIZE AND EMPOWER CERTAIN REGIMENTS TO ELECT THEIR FIELD OFFICERS. No. 4626.

I. Be it enacted by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the Adjutant and Inspector General be, and he is hereby, instructed to order an election for field officers of the several Regiments of the First Corps of Reserves, and of such other Regiments now in service, whose field officers have been appointed by the Executive Council; such elections to be held at such times and places as the Adjutant and Inspector General may direct, and that

Election ordered.

- A. D. 1863.  each member of any of the companies of the said Regiment shall be entitled to vote for field officers of the Regiment to which he belongs.
- Officers to conduct election. II. That the commissioned officers of each company shall open a poll and conduct the election in said company, and shall make a return thereof, under their hands, to the Adjutant and Inspector General, who shall report the result of the election to the Commander-in-Chief, and the officers so elected shall be commissioned by the Governor.
- On failure to elect, new election ordered. III. That in case there shall be a failure to elect any of the officers of the said Regiments, the Adjutant and Inspector General shall, upon receiving notice thereof, forthwith issue an order for another election, to be conducted in the same manner as is hereinbefore provided.
- Existing commissions vacated. IV. That the commissions of the field officers of the said several Regiments of Reserves, appointed by the Governor and Council, shall be vacated so soon as the officers elected under the provisions of this Act shall have been commissioned and qualified.
- Resolution repealed. V. That the resolution of the Executive Council disbanding the fourth and tenth Regiments of the First Corps of Reserves be, and the same is hereby, repealed.
- Term of service limited. VI. That the service of the said First Corps of Reserves be not extended beyond their term of enlistment, to wit: for three months from their enlistment.

In the Senate House, the eighteenth day of December, in the year of our Lord one thousand eight hundred and sixty-two, and in the eighty-seventh year of the sovereignty and independence of the State of South Carolina.

W. D. PORTER, President of the Senate.

A. P. ALDRICH, Speaker House of Representatives.

No. 4627. AN ACT TO ENABLE CITIZENS OF THE STATE WHO ARE ENGAGED IN MILITARY SERVICE TO EXERCISE THE RIGHTS OF SUFFRAGE.

- I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That all citizens of this State who are engaged in the military service, either of this State or of the Confederate States, shall be entitled to exercise the rights of suffrage in all respects as fully as they could do were they present in their respective Election Districts, at the polls thereof.
- Soldiers to vote. II. That for the purpose of enabling such persons so to exercise the rights of suffrage, it shall be their privilege, when any two or more may be at the same camp, or other place where soldiers are congregated, to have opened at such camp or other place a poll, to be managed by any two commissioned officers, citizens of this State, who may be by such voters selected to manage the same.
- Two commissioned officers may open poll. III. That before entering upon the management of such poll,

the Managers shall take the oath prescribed by the laws of this State to be administered to Managers of Elections; which oath they are hereby authorized to administer to each other; and they are further empowered to administer to the voters the oath prescribed for that purpose by the laws of this State.

A. D. 1863.
Oaths administered.

IV. That in the management of such poll, the Managers shall make a schedule, containing: First. A caption, setting forth the time and place such election was held, and the Election Districts and the office for which it was held. Second. The names and places of residence of all the voters enrolled by the Managers, and subscribed by the voters to the oath administered to each; each voter affixing his signature, by his own hand, opposite to his name enrolled by the Managers.

Schedule furnished.

V. That immediately on closing the poll the Managers shall proceed to count the ballots, and shall subjoin to the schedule above mentioned a certificate, under their hands, setting forth the facts of counting, and the number of votes cast for each individual. And the Managers shall thereupon enclose the said schedule and certificate, under sealed cover, addressed to the Clerk of the Court of the Judicial District in which such Election District may be situated, and endorsed "Election Returns for — Election District, for office of —," and transmit the same by mail, or by some messenger to be employed at the expense of the voters; and if the election shall be for a member of Congress, with the said schedule and certificate shall be enveloped the ballots cast.

Certificate of Managers.

Managers shall forward certificate.

VI. That the said poll shall be opened on the day fixed for such election to be had in the Election District to which it pertains, or on any day within twenty days preceding that day, and at such hours as the Managers may designate as most convenient.

Time for opening poll.

VII. That it shall be the duty of the Clerk of the Court by whom any such election returns may have been received to deliver or transmit the same, unopened, to the Managers of Elections for such Election District, on or before the day on which they may assemble at the Court House, or other place appointed by law for declaring such election; and the Managers so assembled shall proceed to aggregate the returns which may be thus received with the returns which shall have been made by them from the District precincts, and shall declare the election as now provided by law; and if the election be for a member of Congress, shall transmit the schedule, certificate and ballots aforementioned, to the office of the Secretary of State, along with the ballots cast in the Election District.

Managers to aggregate returns and declare election.

VIII. That the Executive authority shall cause to be prepared and sent to the Colonels of the various Regiments of this State engaged in actual service, and the Majors or Captains of independent commands in such service, blank forms for the schedules and certificates above required, which shall contain the oaths of Managers and voters.

Executive to furnish blanks.

IX. That this Act shall continue of force only during the continuance of the existing war between the Confederate States and the United States, and shall be, and is hereby declared to be, a substitute for the provisions of an Act of the General Assembly of this State entitled "An Act to enable volunteers in the military

Limitation.

Substitute for Act and Ordinance.

A. D. 1863.

service to exercise the rights of suffrage," ratified the twenty-first day of December, in the year of our Lord one thousand eight hundred and sixty-one, and also a substitute for the provisions of an Ordinance of the Convention entitled "An Ordinance to enable citizens of this State who are engaged in military service to exercise the rights of suffrage," declared and ordained on the sixth day of January, in the year of our Lord one thousand eight hundred and sixty-two, which said Act and Ordinance are hereby repealed.

In the Senate House, the sixth day of February, in the year of our Lord one thousand eight hundred and sixty-three, and in the eighty-seventh year of the sovereignty and independence of the State of South Carolina.

W. D. PORTER, President of the Senate.

A. P. ALDRICH, Speaker House of Representatives.

No. 4627. AN ACT TO ESTABLISH AND RE-CHARTER CERTAIN ROADS, BRIDGES AND FERRIES, AND FOR OTHER PURPOSES.

New road in
Pickens.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That M. R. Heroncut, one of the Commissioners of Roads for Pickens District, shall be, and is hereby, authorized and empowered to lay out a new road, as ordered and directed by the Board of Commissioners, on the old Bachelor's Retreat Road, by commencing said change at Shiloh Church, and intersecting the old road at or near Hopewell Church, over the land of John T. Sloan, whenever the said Sloan shall surrender the right of way without charge, and when so laid out and put in proper traveling condition, the same shall be, and is hereby declared to be, a public road.

Nelson Ferry
re-established.

II. That Nelson Ferry, over the Santee River, be, and is hereby, re-established and opened as a public ferry for and during the space of three years, and during the continuance of the existing war with the United States, and be vested in William Ransom Davis for the said period of time, with the same rates of toll as were allowed to the last proprietor of the said ferry.

Cox's Ferry
re-chartered.

III. That the ferry over the Waccamaw River, known as Cox's Ferry, shall be, and the same is hereby, re-chartered for and during the term of three years and during the continuance of the existing war with the United States, and vested in Mrs. Frances P. Cox, her heirs and executors, with the following rates of toll: For each foot passenger, five cents; for man and horse, ten cents; for each head of cattle, five cents; for each head of sheep or hogs, three cents; for a carriage drawn by one horse, mule or ox, twenty-five cents; if drawn by two horses, mules or oxen, fifty cents; if drawn by three horses, mules or oxen, seventy-five cents; if drawn by four or more horses, mules or oxen, one dollar; and four times these rates for long ferriage, which shall be when the flat of said ferry lands its passengers at Edmond's Landing.

Rates of toll.

IV. That the eighth and ninth Sections of the Act to establish certain roads, bridges and ferries, passed on the twentieth of December, Anno Domini eighteen hundred and fifty-six, be, and the same are hereby, repealed, and that all contracts and agreements made by the Commissioners of the Roads for Greenville District, under and by virtue of the said clauses in the said Act, with the Gap Creek and Middle Saluda Turnpike Company, (commonly called the Jones' Gap Turnpike Company,) shall be, and are hereby declared to be, null and void, and vacated from the passage of this Act, but without prejudice to the legal rights of the said company under the said contracts and agreements, if any they have.

A. D. 1863.
 Part of Act of
 1856 repealed.

V. That the Commissioners of Roads of St. Bartholomew's Parish do take under their charge and control Buckhead Causey, and with the road hands put the same in good traveling order, and so keep the same during the year eighteen hundred and sixty-three, and report their proceedings, and the condition of the said causey, and all the facts connected therewith, and especially as to the lease thereof, heretofore made to James Bell, to the next regular session of the General Assembly.

Buckhead
 Causey.

VI. That the Commissioners of Roads for Greenville District do cause to be laid out a new public road in the "Dark Corner" of the said District, from Old Gowanville to William Fisher's, and the same opened and worked on by the road hands of the proprietors of the lands over which the said road may be laid out, and the same is then hereby established and declared to be a public road: *Provided*, That the said Commissioners shall first approve the opening the said new road, and the proprietors of the lands over which the said new road may be laid out shall surrender to the said Board, by instrument of writing, the right of way over said lands for said road free of charge therefor.

New road in
 Dark Corner.

VII. That the Commissioners of Roads for the Upper Division of Greenville District be authorized to discontinue a short piece of road, of about two miles in distance, running from a point on the White Horse Road, called Pine Grove, and intersecting the main Buncombe Road near the nine mile post, as a public road.

Road dis-
 continued in
 Greenville.

In the Senate House, the sixth day of Februaay, in the year of our Lord one thousand eight hundred and sixty-three, and in the eighty-seventh year of the sovereignty and independence of the State of South Carolina.

W. D. PORTER, President of the Senate.

A. P. ALDRICH, Speaker House of Representatives.

AN ACT TO INCORPORATE THE EDISTO AND ASHLEY CANAL COMPANY. No. 4628.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the formation of a corporate company is hereby authorized for the construction of a canal between the Edisto and Ashley

Company au-
 thorized.

A. D. 1863.

Books for
subscription.
by whom
opened.

rivers, on the most practicable route, from a place on the former below Givham's Ferry to a point on the latter below Bacon's Bridge.

II. That the stock of the company hereby authorized shall consist of one thousand shares, of one hundred dollars each share; that books for subscription to the stock of said company shall be opened in Charleston, Lexington, Barnwell, Orangeburg, and Colleton, by three Commissioners in each place, namely: in Charleston by J. B. Campbell, T. D. Wagner, and L. D. DeSaussure; in Lexington by J. A. Hendricks, F. R. Meetze, John Fox; in Barnwell by J. T. Aldrich, J. J. Maher, and N. G. W. Walker; in Orangeburg by L. C. Glover, Henry Ellis, and W. O'Cain; in Colleton, Daniel S. Henderson, J. K. Linder, and D. S. Canaday; and the books shall be opened in each of the said places on the same day, namely: the first Monday of March next, and be kept open at each place three days, between the hours of nine in the morning and three in the afternoon; and the time and places of subscribing shall be advertised by the said Commissioners, in the several Districts for which they are respectively appointed, for at least two weeks prior to the day for opening the books. If any of the Commissioners before named shall, after the passage of this Act, decline to serve, a majority of the delegates in the General Assembly for the District in which the Commissioner so declining resides, may appoint a fit and proper person to supply the vacancy; and if any one of the Commissioners shall not attend at the time of opening the books, the other two Commissioners at the place for which he was appointed may choose a fit and proper person to supply his place, or may themselves proceed to open the books and receive subscriptions. Upon the books being opened, as aforesaid, individuals may subscribe for so many shares as they see fit, paying to the said Commissioners two dollars on such share subscribed; and the Commissioners shall designate in the books, opposite to the names of the subscribers, the day of subscription, the number of shares subscribed, and the sum of money paid, respectively; and for the sums so paid the Commissioners shall give receipts to the individuals paying, and, as soon as may be, deposit the money in the Bank of the State of South Carolina, or in some branch thereof, subject to the joint check of a majority of the Commissioners until the said company is organized, and then subject to the check or order of said company.

Vacancy in
Board, how
filled.

Subscriptions
received.

Commission-
ers to make
list of subscri-
bers.

III. That when the books shall be closed on the last day, the Commissioners at Charleston, Lexington, Barnwell, and Orangeburg, shall transmit to the Commissioners in Colleton a list of the subscribers, designating, as in the subscription books, opposite to each name, the day of subscription, the number of shares subscribed, and the sum paid, with a certificate, to be signed by one or more of the Commissioners, that the money is deposited in the bank, conformably to this Act. And thereupon the Commissioners in Colleton, from all the lists of subscribers, shall make out one general list, and sum up the whole, and ascertain whether the shares subscribed are equal in amount to the capital prescribed for the company, or greater or less. If the number of shares subscribed shall exceed one thousand, then the shares shall be reduced ratably to that number, except that no subscription of five shares or less shall be reduced. If the number of shares subscribed be less than five hun-

dred, the Commissioners at Colleton may keep the books open at that place until the number of five hundred shares be subscribed, and two dollars paid on each share, as aforesaid: *Provided*, That said Commissioners at Colleton shall not keep open said books of subscription for a longer period than four years after the passage of this Act.

A. D. 1863.

IV. That on the subscriptions of shares in the stock of the company to an amount equal to or exceeding five hundred, as aforesaid, being made, or in case of excess of subscriptions, upon the number being reduced to one thousand, in manner aforesaid, the said company shall be considered as formed, and this Act of Incorporation shall and may attach, and become effectual, and the company may take measures for complete organization. For this purpose the Commissioners in Colleton shall appoint a convenient time and place for the meeting of the stockholders, and shall cause the same to be advertised in one or more of the gazettes published in Charleston and Columbia for four weeks prior to the day of meeting, at which time and place the subscribers may attend in person or by proxy: *Provided*, The proxy be a stockholder. The Commissioners at Colleton, or a majority of them attending, shall present a ballot-box, in which the subscribers may vote for a President and twelve Directors, to serve for one year, and until a new election shall be made; and the presiding Commissioners, after the first election hereby required to be made, shall count the ballots, declare the election, and make and deliver proper certificates thereof.

When company may organize.

Ballot for President and Directors.

V. That in the said election, and in all future elections for President and Directors, and in the making, altering, and repealing by-laws, and in determining on measures involving the general interest of the company, the votes of the stockholders shall be taken and governed by the scale and regulations following, to wit: the owner of one or two shares shall be entitled to one vote; the owner of three or four shares to two votes, and in the same proportion as far as twenty-four shares; and any stockholder who may have subscribed for any number of shares beyond twenty-four, and not more than fifty, in addition, for the excess, may be entitled to one vote for every five shares.

Schedule of votes.

VI. That the election of President and Directors shall be made annually, according to a by-law to be made for that purpose, and in case of any vacancy occurring between the times of annual election, a majority of the Board of Directors may elect by ballot, from the stockholders, a person to fill the vacancy; but if it happen that the day of annual election of President and Directors should pass without election being made, as to any or all of them, the corporation shall not be dissolved or discontinued thereby, but it shall be lawful on any other day to hold and make such election, in such manner as shall be prescribed by the by-laws of the corporation.

Annual election for President and Directors.

VII. That the said company, so organized as aforesaid, shall be called "The Edisto and Ashley Canal Company," and have perpetual succession of members, may make and have a common seal, and alter it at pleasure; may sue and be sued, answer and be answered unto, by their corporate name aforesaid, in all the Courts of law and equity and judicial tribunals of this State; and from time to time to make such rules, regulations and by-laws as they shall

Style and title of company.

A. D. 1863.

Privileges.

Rates of toll.

Water not to
be taken for
irrigation.Lock and
gates.Company may
purchase land.

think proper for their own government: *Provided*, The same shall not be repugnant to or inconsistent with any law of this State.

VIII. That the said company shall and may cause a communication or inland navigation to be made between the Edisto and Ashley Rivers, by means of reservoirs, dams, canals and locks; the canal to be cut from the Edisto River, below Givham's Ferry, to a point on the Ashley River below Bacon's Bridge, on such route as may be found most practicable, by surveys hereafter to be made; and that the said company shall and may fix and establish, and be entitled to take and receive, by way of toll, for all goods and merchandise carried on and through, and boats and rafts passing on and through the said canal, such sums or rates as the said company shall think proper to impose, not exceeding at any time ten per cent. per annum on the money which they shall have expended in making and keeping in repair said canal; in order to ascertain which rates the books of said company shall always be liable to the inspection of the Legislature, and the President and Directors shall submit annually, on oath, a written statement of the expenses of keeping said canal in repair, and the rates of toll.

IX. That it shall be unlawful for the said company at any time to permit to be drawn from the Edisto River, through said canal, any water for the purpose of irrigation; and if at any time they shall allow any water to be so drawn for such purposes, said company may be proceeded against by *seire facias*, and shall be liable to a forfeiture of their charter; that the said company shall at all times keep one lock with gates at the point on the canal where the swamp land of Edisto River shall adjoin the high land or ridge; which lock and gates they shall at all times keep in good and sufficient repair, so as to prevent the possibility of a continual flow of water from the Edisto to the Ashley River, to the detriment of the river planters on Pon Pon; and if at any time said company shall neglect to keep in due repair said lock and gates, they shall forfeit and pay a penalty not less than one thousand dollars, nor exceeding ten thousand dollars, to be recovered by action of debt in any Court of competent jurisdiction, the whole of which penalty shall go to the prosecutor; the said company in any case of such default shall also be liable to a forfeiture of their charter; and it shall be the duty of the Superintendent of Public Works to visit and examine said canal and locks annually, and to report to the General Assembly any violations of the provisions of this Act.

X. That the said company shall have power to purchase, for themselves and their successors, such land as may be necessary for the purpose aforesaid, and when they and the owners of said lands cannot agree for the same, to take the said lands on a valuation to be made by a majority of five persons to be appointed by the Court of Chancery or Common Pleas to value the same, which land shall, on payment of the sum at which it shall be valued, be vested in the said company; and the said company shall have power and authority to use any materials in the vicinity of said canal for opening and keeping the same in repair, paying a reasonable price therefor, which price shall be ascertained in like manner as the value of the land which the company may take as aforesaid, in case the company and the owners of the land cannot agree about the price there-

of: *Provided*, That the company shall not be entitled to take more land at a valuation than what may be inclosed within two lines parallel to the axis of the proposed canal, and at a distance of sixty feet on each side of said axis.

A. D. 1863.

XI. That the shares in the said company may be sold, transferred, assigned or bequeathed by the proprietors, respectively; and in case of their dying intestate, shall go as personal estate, according to the Statutes of Distributions.

Stock personal estate.

XII. That if any person or persons shall wilfully and maliciously throw down, break, or destroy any lock, dam, bank, waste-weir, culvert, wall or any part thereof, belonging to said canal, or throw dirt, trees, logs or other rubbish in the way, so as to prejudice the navigation and works aforesaid, such person or persons so offending shall, for every such offence, by conviction on indictment, forfeit and pay a fine not exceeding fifty dollars, and be imprisoned not exceeding three months, at the discretion of the Court before which such conviction shall take place, besides being liable to said company in a civil action for all damages done to the canal.

Penalty for injuring or obstructing canal.

XIII. This Act shall be deemed a public Act, and continue in force for the term of thirty years.

Limitation.

In the Senate House, the sixth day of February, in the year of our Lord one thousand eight hundred and sixty-three, and in the eighty-seventh year of the sovereignty and independence of the State of South Carolina.

W. D. PORTER, President of the Senate.

A. P. ALDRICH, Speaker House of Representatives.

AN ACT TO MAKE APPROPRIATION IN AID OF THE FAMILIES OF SOLDIERS, AND TO REPEAL AN ACT ENTITLED "AN ACT TO AFFORD AID TO THE FAMILIES OF SOLDIERS," RATIFIED ON THE TWENTY-FIRST DAY OF DECEMBER, IN THE YEAR OF OUR LORD ONE THOUSAND EIGHT HUNDRED AND SIXTY-ONE. No. 4629.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the sum of six hundred thousand dollars, if so much be necessary be, and the same is hereby, appropriated from the Treasury of this State in aid of the families, resident in this State, of the soldiers, sailors and marines who may now be, or shall during the present war be, in the army or navy of the Confederate States, or in the service of the State of South Carolina, and of those who have died, been killed, or disabled in the service of either.

Appropriation.

II. That the appropriation thus made shall be divided ratably among the several Election Districts of this State, in the following proportion, to wit: Upon the ratio of the white population of the several Election Districts, as ascertained by the last census taken in this State for the apportionment of representation in the House of Representatives.

Division of appropriation.

A. D. 1863.

Soldiers' Boards of Relief to be appointed.

III. That in each Election District there shall be appointed, by the General Assembly, upon the nomination of the delegation in both branches from each Election District, and to be selected from persons not liable to Confederate conscription, and who shall be freeholders, a Soldiers' Board of Relief, to consist of not less than three nor more than twelve freeholders in any Election District. The said Boards of Relief shall be, and are hereby, authorized to fill up all vacancies in their respective Boards, arising from any cause, by appointments of said Boards; they shall meet upon the call of the Chairman, as well as by their own resolution, and a majority of each Board shall constitute a quorum.

Boards to appoint Secretary and Treasurer.

IV. That the said Boards shall each appoint a person, not liable to Confederate conscription, and of their own body or otherwise, as they may decide, as Secretary and Treasurer, who shall keep a record of all transactions, and be responsible to said Board, and give bond, payable to said Board, in such sum, and with such sureties, as the said Board may direct, for the faithful performance of the duties of his office, and who shall receive as a compensation for such services one per cent. on the amounts passing through their hands.

Distribution of funds.

V. That the said Boards of Relief shall respectively receive from the Treasurer of the Division in which the Election District may be situated, upon the draft of the Chairman, the sum of money apportioned to each Election District, in the ratio above created and ascertained, in the mode hereinafter provided, and shall apply the same in their respective Districts in such manner, and in such proportions, as in the discretion of the said Boards shall seem best; and either by pecuniary assistance, or by the purchase and distribution of food and clothing, and other necessities, to the aid and relief of the families of all those who now are, or during the present year may be, engaged in the military or naval service of the Confederate States, or of this State, and of the families of those who have died, or may die, or be killed or disabled in either service, and of such persons as are or were dependent upon those so in military service; such dependence to be judged of and decided by the said Boards.

Boards shall make returns.

VI. That the said Boards of Relief shall make returns of their receipts and expenditures to the General Assembly at its next regular session, and shall be liable to the same penalties for default or neglect of duty as the other District Boards are now liable to, according to law.

Duties of Comptroller General and Treasurers.

VII. It shall be the duty of the Comptroller General, and of the Treasurers of the Upper and Lower Divisions of this State, to meet together within one week after the ratification of this Act, and forthwith to apportion the sum hereinbefore appropriated to and among the several Election Districts, upon the ratio hereinbefore created; and upon the completion of the said apportionment it shall be the duty of the Comptroller General forthwith to communicate with the several Boards of Relief established by this Act, and to inform each Board, respectively, of the amount apportioned to the Election District wherein such Board is; and it shall be the further duty of the Comptroller General to report such apportionment to the General Assembly at its next regular session,

and also to the Spring and Fall Terms of the Courts of Common Pleas and General Sessions. And it shall be the duty of the Treasurers of the Upper and Lower Divisions, respectively, according to the location of the several Election Districts, to pay, upon the drafts of the respective Chairmen of said Boards, the sum of money so apportioned to the several Election Districts: *Provided*, That after one-fourth of the amount allowed to each of the Boards of the sum appropriated by this Act is drawn, the balance thereof, or so much thereof as may be found to be necessary, shall be paid in quarterly payments, after said Boards have severally rendered to the Treasurer of the Upper or Lower Division, as the case may be, an account of their actings and doings for the preceding three months.

A. D. 1863.

Treasurers to
pay appropriation.

VIII. That an Act entitled an Act to afford aid to the families of soldiers, ratified on the twenty-first day of December, in the year of our Lord one thousand eight hundred and sixty-one, be, and the same is hereby, repealed.

Act of 1861
repealed.

In the Senate House, the eighteenth day of December, in the year of our Lord one thousand eight hundred and sixty-two, and in the eighty-seventh year of the sovereignty and independence of the State of South Carolina.

W. D. PORTER, President of the Senate.

A. P. ALDRICH, Speaker House of Representatives.

AN ACT TO AMEND AN ACT ENTITLED "AN ACT TO MAKE APPROPRIATION IN AID TO THE FAMILIES OF SOLDIERS, AND TO REPEAL AN ACT ENTITLED 'AN ACT TO AFFORD AID TO THE FAMILIES OF SOLDIERS,'" RATIFIED ON THE TWENTY-FIRST DAY OF DECEMBER, IN THE YEAR OF OUR LORD ONE THOUSAND EIGHT HUNDRED AND SIXTY-ONE.

No. 4630.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the provisions and benefits of an Act entitled "An Act to make appropriation in aid of the families of soldiers, and to repeal an Act entitled 'An Act to afford aid to the families of soldiers,'" ratified on the twenty-first day of December, in the year of our Lord one thousand eight hundred and sixty-one, be, and the same are hereby, extended so as to include the families, resident in this State, of the soldiers, sailors and marines who shall be in the army or navy of the Confederate States, or in the service of the State of South Carolina, or who shall die, be killed, or disabled in the service of either, at any time during the year of our Lord one thousand eight hundred and sixty-three, anything in the said Act to the contrary notwithstanding; and that the seventh Section of the said Act be amended as follows: That upon the organization of the respective Boards they shall forthwith report the same to the

Act of De-
cember, 1862,
amended.

A. D. 1863. Comptroller General, with the postoffice address of the several officers of each Board.

In the Senate House, the sixth day of February, in the year of our Lord one thousand eight hundred and sixty-three, and in the eighty-seventh year of the sovereignty and independence of the State of South Carolina.

W. D. PORTER, President of the Senate.

A. P. ALDRICH, Speaker House of Representatives.

NO. 4631. AN ACT TO REFUND TO THE SOLDIERS' BOARD OF RELIEF FOR BARNWELL AND LAURENS DISTRICTS, AND FOR SAINT MATTHEW'S AND CHRIST CHURCH PARISHES, MONEYS ADVANCED AND EXPENDED BY THEM, AS BOARDS OF RELIEF, OUT OF THEIR PRIVATE FUNDS.

Board of Relief for Barnwell to make assessment.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the members of the Soldiers' Board of Relief to be appointed for the present year for Barnwell District be, and they are hereby, authorized and required to make an assessment upon the general State tax of the said District, which shall be sufficient to raise the sum of two thousand nine hundred and five dollars and fifty-seven cents; and that the Tax Collector for said District, when furnished with a written order from said Board, do collect and pay over the said sum to and in relief of the members of the Soldiers' Board of Relief for Barnwell District for the year one thousand eight hundred and sixty-two, on account of moneys heretofore advanced and expended by them.

Assessment for St. Matthew's Parish.

II. That the members of the Soldiers' Board of Relief, to be appointed for the present year for St. Matthew's Parish be, and they are hereby, authorized and required to make an assessment upon the general State tax of the said Parish, which shall be sufficient to raise the sum of three hundred and seventy-five dollars, and interest that may accrue thereon from the time paid out until collected, and that the Tax Collector for said Parish, when furnished with a written order from said Board, do collect and pay over the said sum to and in relief of the members of the Soldiers' Board of Relief for St. Matthew's Parish for the year eighteen hundred and sixty-two, on account of moneys advanced and expended by them.

Assessment for Laurens District.

III. That the "Soldiers' Board of Relief" for Laurens District be, and they are hereby, authorized to levy an extraordinary assessment on the State taxes of said District, at the next annual collection, sufficient to reimburse the members of said Board the sum of one thousand dollars, expended by them out of their private funds for the relief of soldiers' families; and it shall be the duty of the Tax Collector to collect said assessment as he is required by law to collect other funds levied for the relief of soldiers' families.

IV. That the "Soldiers' Board of Relief" for Christ Church Parish be authorized to levy a tax on the taxable property of said Parish sufficient to raise the sum of two hundred dollars, to reimburse the Commissioners for the last year a sum advanced by them.

A. D. 1863.

Tax levied for
Christ Church
Parish.

In the Senate House, the sixth day of February, in the year of our Lord one thousand eight hundred and sixty-three, and in the eighty-seventh year of the sovereignty and independence of the State of South Carolina.

W. D. PORTER, President of the Senate.

A. P. ALDRICH, Speaker House of Representatives.

AN ACT TO PROVIDE FOR A GUARANTY BY THE STATE OF THE No. 4632.
BONDS OF THE CONFEDERATE STATES.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the Governor of the State, for the time being, be, and he is hereby, authorized and directed to endorse the guarantee of the State upon the bonds of the Confederate States of America, upon the application of the Government of the said Confederate States, to an amount equal to the proportionate share of the State of South Carolina of the sum of two hundred millions of dollars, in the ratio of the representation of said State in the House of Representatives of the Confederate Congress, thereby pledging the faith and the funds of the State for the payment of the principal of the said bonds, and the interest to accrue thereon: *Provided*, That such of the bonds as shall be sold within the Confederate States shall be disposed of to the highest bidder: *And provided, further*, That in the sale, whether in this country or abroad, of these bonds, this State and the citizens thereof shall have the right to purchase the bonds under its guarantee, in preference to all purchasers at equal bids.

Confederate
bonds guaran-
teed.

In the Senate House, the eighteenth day of December, in the year of our Lord one thousand eight hundred and sixty-two, and in the eighty-seventh year of the sovereignty and independence of the State of South Carolina.

W. D. PORTER, President of the Senate.

A. P. ALDRICH, Speaker House of Representatives.

A. D. 1863.

No. 4633.

AN ACT TO PROVIDE FOR A GUARANTY BY THE STATE OF THE BONDS OF THE CONFEDERATE STATES.

Governor to
endorse bonds.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the Governor, for the time being, whenever application for such guaranty shall be made to him by the Government of the Confederate States of America, be, and he is hereby, authorized and directed to endorse the guaranty of the State of South Carolina upon the bonds of the Confederate States of America, to be hereafter issued according to a plan to be adopted by Congress, to the amount of thirty-four millions four hundred and eighty-two thousand seven hundred and fifty-eight dollars sixty-two and two twenty-ninth cents, being the proportionate share of the sum of five hundred millions of dollars, according to the representation of South Carolina in the House of Representatives of the Confederate Congress, the representation of the States of Missouri and Kentucky being omitted in the calculation.

Act of De-
cember, 1862,
repealed.

II. That the Act ratified on the eighteenth day of December, in the year of our Lord one thousand eight hundred and sixty-two, entitled "An Act to provide for the guaranty by the State of the bonds of the Confederate States," be, and the same is hereby, repealed.

In the Senate House, the sixth day of February, in the year of our Lord one thousand eight hundred and sixty three, and in the eighty-seventh year of the sovereignty and independence of the State of South Carolina.

W. D. PORTER, President of the Senate.

A. P. ALDRICH, Speaker House of Representatives.

No. 4634. AN ACT TO PROHIBIT EXTORTION AND PUNISH EXTORTIONERS.

Penalty for
extortion.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That from and after the passing of this Act any dealer or speculator in clothing, or materials of clothing, boots, shoes, leather, brogans, raw hides, meat, grain, flour, fish, coffee, sugar, tea, salt, saltpetre, drugs, medicines, wool, yarn, iron, castings, nails, and hardware generally, gold and silver coin, wood, coal, candles, oil, lard, soap, cattle, hogs, and other live stock, poultry, sterling exchange, or other necessities of life whatever, or any manufacturer for sale of any of the said articles, who shall, during the continuance of the existing war, sell or dispose of any of the said articles at exorbitant or unreasonable rates or prices, or at an exorbitant or unreasonable advance or profit on the cost thereof, or cost of the production or manufacture thereof, or shall refuse to sell or dispose of the same for cash, either in specie or in current funds, at fair or reasonable rates or prices, or at reasonable advances or profits on the cost thereof, or cost of the production or manufacture thereof,

A. D. 1863.

and all other persons who shall sell or dispose of any of the said articles at exorbitant or unreasonable rates or prices, or at an exorbitant or unreasonable advance or profit on the cost, or cost of the production or manufacture thereof, shall be deemed and held guilty of extortion, and, on conviction thereof in any of the Courts of General Sessions of this State, shall be fined not more than one thousand dollars, and be imprisoned not more than twelve months; one-half of the fine in each case to be for the benefit of the informer, and the other half for the benefit of soldiers' and seamen's families, to be paid over to the Soldiers' Board of Relief for the District in which the conviction shall take place; and the informer to be a competent witness, any law, custom or usage to the contrary notwithstanding: *Provided*, That no importer of foreign merchandise shall be liable to the penalties of this Act, for sales of such merchandise: *And provided, further*, That persons bringing into this State articles of food from other States, and selling the same at prices not higher than those charged by producers in this State, shall not be liable to the penalties of this Act.

Exemptions from penalty.

II. That in all cases arising under this Act, it shall be left to the juries to determine what are exorbitant or unreasonable rates or prices, or exorbitant or unreasonable advances or profits, due regard being had to the circumstances of each case; and it shall be lawful for the Court of Appeals to review the facts of all such cases, and to set aside verdicts and order new trials for want of conformity thereto.

Juries to decide what is extortion.

III. That no person prosecuted under this Act shall be allowed any right or privilege of traverse or imparlance, or postponement of trial, at the first term of the Court in which he shall be indicted, unless on affidavit of the necessary absence of a material and necessary witness, and no technical or formal exception to any process, indictment, or other pleading shall avail the defendant, but each case shall be tried and adjudged according to the merits, without any regard to form: *Provided*, That any one who shall wilfully and maliciously give false information, as the basis of a prosecution under this Act, shall be liable to indictment therefor, and shall, on conviction thereof, be subject to the penalties of this Act.

Proceedings on trial.

Penalty for giving false information.

IV. Corporations, by their corporate names, and corporators of incorporated companies shall be liable to indictment and punishment for extortion under this Act; and when corporations are indicted and convicted of extortion, they shall be liable to fine as aforesaid, and to forfeiture of charter, at the discretion of the Court.

Corporations liable.

In the Senate House, the sixth day of February, in the year of our Lord one thousand eight hundred and sixty-three, and in the eighty-seventh year of the sovereignty and independence of the State of South Carolina.

W. D. PORTER, President of the Senate.

A. P. ALDRICH, Speaker House of Representatives.

A. D. 1863.

No. 4635.

AN ACT TO ENFORCE ANY PROCLAMATION OF THE GOVERNOR
PROHIBITING THE EXPORTATION OF PROVISIONS.

Penalty for
violation of
Governor's
proclamation.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That when any proclamation of the Governor prohibiting the exportation of provisions may be of force, if any person exports such provisions contrary to the true intent and meaning of such proclamation, he or she shall be liable to indictment, and, on conviction, shall be fined in an amount not less than twice the market value of the article at the time of sentence; nor shall any such person on arrest to answer be discharged, unless he or she enter into recognizance for his appearance at the next term of the Court of General Sessions, with two or more good sureties, in a sum not less than twice the market value of the article exported.

Duties of
Magistrates.

II. That if any person shall attempt to export, as aforesaid, any provisions contrary to the true intent and meaning of such proclamation, on information given to any Magistrate of the District in which the person so offending may reside, or be taken, as hereinafter provided, such Magistrate may issue his warrant, directed to the Sheriff, Constable, or any citizen of the said District, authorizing the arrest of such person; and on failure of such person to enter into recognizance, with two or more good sureties, for appearance at the next Court of General Sessions appointed for such District, to answer to an indictment for such attempt, in not less than double the market value of the articles proposed to be carried beyond the State, the Magistrate may commit the party offending to jail, to be held to answer the indictment, and, on conviction, to be fined and imprisoned at the discretion of the Court.

Articles to be
seized.

III. In case of proceeding under the second Section of this Act, it shall be the duty of the officer or person authorized to arrest, to seize the articles so attempted to be exported, and deliver them to the Sheriff of the District, who shall securely retain the same until the indictment is disposed of; and the Judge by whom the offending party may be sentenced for violation of any of the provisions of this Act, shall order the fine imposed to be paid over to the "Soldiers' Board of Relief" of such District.

Fines paid to
Soldiers'
Boards of Re-
lief.

Perishable
articles to be
sold.

IV. That on affidavit made by any such Sheriff that the articles seized are perishable, it may be lawful for any of the Judges of the Courts of law to order the sale of such articles for cash at the court house on any day after fifteen days' notice, by advertisement in a newspaper, if any be published in such District; if not, by written notice in three conspicuous places in the same, and on receipt of the proceeds of the sale, after retaining the cost of the advertisement and five per cent. on such proceeds, the said Sheriff shall pay the balance into Court.

Recovery in
case of acquit-
tal.

V. That in case the said party is, on trial, acquitted, the articles so seized, or the proceeds of the sale, authorized in the fourth Section of this Act, shall, by order of the Court, be delivered over to such party, who shall also have a claim against the State for the interest on the market value of the said articles from the day they may be so seized; and for compensation in case of a sale having been made, for the amount paid out of the proceeds for the advertisement and per centage allowed the Sheriff.

VI. That on conviction of the person or persons offending against the second Section of this Act, the articles seized, in case no sale has been ordered by them, as before provided, shall be sold for cash by the Sheriff, at such time, place and notice as the Judges passing sentence may direct, and, after deducting from the proceeds of such sale the costs of the notice, and five per centum for the Sheriff, the balance shall be paid to the Clerk, and by him be received on account of the fine imposed by the said Judge; and in the event of a sale having been made, as provided by the fourth Section of this Act, the amount paid into Court, as thereby required, shall be received on account of the fine imposed.

A. D. 1863.

Proceedings
upon conviction.

VII. That for the purpose of more fully carrying into effect the provisions of this Act, the Governor may, whenever he thinks proper, appoint one or more persons in each District, whose duty it shall be to see that prosecutions are commenced against offenders, which agents shall be paid out of the contingent fund a compensation by him regarded adequate for the services they may render.

Governor may
appoint Agents

In the Senate House, the tenth day of April, in the year of our Lord one thousand eight hundred and sixty-three, and in the eighty-seventh year of the sovereignty and independence of the State of South Carolina.

W. D. PORTER, President of the Senate.

A. P. ALDRICH, Speaker House of Representatives.

AN ACT TO PUNISH PURCHASING UNDER ASSUMED AUTHORITY. No. 4636.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That if any person contracts for or purchases, or attempts to contract for or purchase, any cotton or provisions, pretending and professing to be acting for and on behalf of the Confederate Government, or of some State, when, in fact, he has no authority to act as such agent, he shall be liable to indictment, and, on conviction, fined and imprisoned at the discretion of the Court.

Punishment
for assumption.

II. That on trials on such indictments, the onus shall be on the defendant to prove the authority under which he professed to act in so contracting or purchasing or attempting so to do.

Onus on de-
fendant.

In the Senate House, the tenth day of April, in the year of our Lord one thousand eight hundred and sixty-three, and in the eighty-seventh year of the sovereignty and independence of the State of South Carolina.

W. D. PORTER, President of the Senate.

A. P. ALDRICH, Speaker House of Representatives.

A. D. 1863.

No. 4637.

AN ACT TO ABOLISH THE EXECUTIVE COUNCIL ESTABLISHED BY THE ORDINANCE OF THE CONVENTION ENTITLED "AN ORDINANCE FOR STRENGTHENING THE EXECUTIVE DEPARTMENT DURING THE EXIGENCIES OF THE PRESENT WAR."

Council abolished.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the Executive Council established by the Ordinance of the Convention entitled "An Ordinance for strengthening the Executive Department during the exigencies of the present war," ratified the seventh day of January, in the year of our Lord one thousand eight hundred and sixty-two, be, and the same is hereby, abolished.

In the Senate House, the eighteenth day of December, in the year of our Lord one thousand eight hundred and sixty-two, and in the eighty-seventh year of the sovereignty and independence of the State of South Carolina.

W. D. PORTER, President of the Senate.

A. P. ALDRICH, Speaker House of Representatives.

No. 4638. AN ACT TO DECLARE THE LAW IN RELATION TO THE PROCEEDINGS OF THE EXECUTIVE COUNCIL.

Acts, &c., of
no legal force.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the several acts, proceedings, resolutions and orders of the Executive Council, as contained in the book of records of said Council, transmitted by them to the General Assembly, have not and shall not have the force and effect of law: *Provided*, That nothing herein contained shall be so construed as to abrogate or repudiate any contract or contracts made or entered into with the said Executive Council.

In the Senate House, the sixth day of February, in the year of our Lord one thousand eight hundred and sixty-three, and in the eighty-seventh year of the sovereignty and independence of the State of South Carolina.

W. D. PORTER, President of the Senate.

A. P. ALDRICH, Speaker House of Representatives.

AN ACT FOR THE APPOINTMENT OF COMMISSIONERS OF THE
POOR FOR LANCASTER DISTRICT.

A. D. 1863.

No. 4639.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That Allen Morrow, Irvin Clinton, and W. B. Nelson, be, and they are hereby, appointed Commissioners of the Poor for Lancaster District, who, together with Jesse B. Mobley and Thomas L. Clyburn, who have been elected by the people, shall constitute the Board of Commissioners of the Poor for said District, until the next regular election for members of the General Assembly of this State.

Commission-
ers appointed.

In the Senate House, the sixth day of February, in the year of our Lord one thousand eight hundred and sixty-three, and in the eighty-seventh year of the sovereignty and independence of the State of South Carolina.

W. D. PORTER, President of the Senate.

A. P. ALDRICH, Speaker House of Representatives.

AN ACT TO CONTINUE IN FORCE AN ACT ENTITLED "AN ACT
TO EXTEND RELIEF TO DEBTORS, AND TO PREVENT THE
SACRIFICE OF PROPERTY AT PUBLIC SALES." No. 4640.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That an Act entitled "An Act to extend relief to debtors, and to prevent the sacrifice of property at public sales," ratified on the twenty-first day of December, in the year of our Lord one thousand eight hundred and sixty-one, be, and the same is hereby, continued of force until the adjournment of the next session of the General Assembly of this State.

Act continued
in force.

II. *And be it further enacted*, That all fines imposed by the Courts of Sessions and Common Pleas of this State be excepted from the operation of said Act; and that all such fines shall be collected as heretofore provided by law.

Fines of Courts
excepted.

III. That the provisions of the said Act shall not extend to common carriers, where they fail in their duties or liabilities as common carriers.

Common car-
riers.

IV. That the said Act is not intended to interfere with any right to sue, or remedy now afforded by law for the recovery of money lost by gaming.

Gaming.

V. That the said Act shall not protect from suit or other process any Tax Collector, Sheriff, Master or Commissioner in Equity, Ordinary, or Clerk of the Court of Common Pleas and General Sessions, or their sureties, who has, or may hereafter receive any money belonging either to the State, District Boards of Commissioners, or individual citizens, and has failed or shall hereafter fail to pay over the same on demand being made to do so.

Officers not
protected.

A. D. 1863.

Courts Martial.

VI. That the provisions of the said Act shall not embrace fines imposed by Courts Martial, or by municipal authority.

In the Senate House, the sixth day of February, in the year of our Lord one thousand eight hundred and sixty-three, and in the eighty-seventh year of the sovereignty and independence of the State of South Carolina.

W. D. PORTER, President of the Senate.

A. P. ALDRICH, Speaker House of Representatives.

No. 4641. AN ACT TO PROVIDE FOR THE APPOINTMENT OF COMMISSIONERS OF THE POOR FOR DARLINGTON DISTRICT AND FOR CHESTERFIELD DISTRICT.

Preamble.

Whereas at the last general election holden for Darlington District, there was a failure to elect Commissioners of the Poor for said District; for remedy thereof:

For Darlington

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That James P. Wilson, Robert Huggins, E. Augustus Law, A. Nelson Stuckey, and Jesse Keith be, and they are hereby, appointed Commissioners of the Poor in and for the District of Darlington; and that John C. Evans, Thomas W. Robeson, John S. Miller, James B. Bell and James Funderburk be, and they are hereby, appointed Commissioners of the Poor in and for the District of Chesterfield, to continue in office until the next general election; and they are hereby invested with all the powers, and subject to all the penalties that Commissioners of the Poor by law now are.

For Chesterfield.

In the Senate House, the sixth day of February, in the year of our Lord one thousand eight hundred and sixty-three, and in the eighty-seventh year of the sovereignty and independence of the State of South Carolina.

WILLIAM D. PORTER, President of the Senate.

A. P. ALDRICH, Speaker House of Representatives.

No. 4642. AN ACT TO AUTHORIZE THE BANK OF THE STATE TO INCREASE ITS ISSUE OF SMALL BILLS.

Bank may increase issue of small bills.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the Bank of the State of South Carolina be authorized to issue and keep in circulation bills of a denomination of less than one dollar, to the extent of five hundred thousand dollars, in addition to those now issued: *Provided*, That the said bills shall be made payable in current funds, and be paid out for Confederate and other current issues.

II. That the provisions of this Act shall cease and determine within one year from the date of the ratification of a treaty of peace between the Confederate States and the United States of America.

A. D. 1863.

Limitation.

In the Senate House, the sixth day of February, in the year of our Lord one thousand eight hundred and sixty-three, and in the eighty-seventh year of the sovereignty and independence of the State of South Carolina.

WILLIAM D. PORTER, President of the Senate.

A. P. ALDRICH, Speaker House of Representatives.

AN ACT TO INCORPORATE WITH UNIFORM RIGHTS, POWERS AND No. 4643.
PRIVILEGES PROTESTANT EPISCOPAL CONGREGATIONS IN SOUTH
CAROLINA.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That hereafter, when any male adults, being not less than twelve in number, in this State, shall desire to associate themselves together for the purpose of forming a Church, according to the doctrine, discipline, and worship of the Protestant Episcopal Church in this State, they shall be allowed to do so by filing with the Clerk of the Court of Common Pleas and General Sessions, for the District in which the said applicants reside, a written statement of such purpose and intention, signed by them, and setting forth the name of their Church and the style of their corporation, which statement shall be recorded in the said Clerk's office, and on receiving his certificate thereof, they shall become a body politic and corporate, for the purpose aforesaid, and shall be known by the name and style designated in their said written statement.

Church may
become a body
politic and cor-
porate.

II. That the said corporations shall, by their respective corporate names, have succession of officers and members, according to their respective by-laws, and shall have power to make all by-laws, rules and regulations for their government, not repugnant to the laws of South Carolina, or the Constitution, canons and other regulations of the Protestant Episcopal Church in the same; to have and to keep and use a common seal, and the same alter at will; to sue and be sued, plead and be impleaded, in any Court of this State, and to have and enjoy every right incident to incorporations.

Powers and
privileges.

III. They shall also be empowered, severally, to retain, possess and enjoy all such property, real or personal, as they may respectively be possessed of, or in any wise entitled unto, or which shall hereafter be given, bequeathed, or in any way acquired by them, and to sell, alien, and in any way transfer the same, or any part thereof.

May hold pro-
perty.

IV. Any congregation of the Protestant Episcopal Church already incorporated in South Carolina may, on expiration of their charter, or at any time before, if they see proper to surrender their charter, become a body politic and corporate, under the provisions of this Act, by making known their intentions to do so, according to the provisions of the first Section of the same.

Existing
churches may
become bodies
politic.

A. D. 1863.
 Charters per-
 petual.

V. Charters secured or renewed under this Act shall be perpetual, subject, however, to the power of the General Assembly to repeal or alter the same.

In the Senate House, the sixth day of February, in the year of our Lord one thousand eight hundred and sixty-three, and in the eighty-seventh year of the sovereignty and independence of the State of South Carolina.

W. D. PORTER, President of the Senate.

A. P. ALDRICH, Speaker House of Representatives.

No. 4644. AN ACT TO RENEW AND AMEND THE CHARTER OF THE SWEDISH IRON MANUFACTURING COMPANY OF SOUTH CAROLINA, AND TO CHANGE THE NAME THEREOF.

Charter ex-
 tended.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the Act incorporating the Swedish Iron Manufacturing Company of South Carolina, passed on the twentieth day of December, in the year of our Lord one thousand eight hundred and fifty, be, and the same is hereby, continued of force for the term of twenty years from and after the twentieth day of December, in the year of our Lord one thousand eight hundred and sixty-four, when their present charter would expire.

Name changed

II. That the name and style of the said company shall be, and the same is hereby, changed to the Magnetic Iron Company of South Carolina.

Privileges and
 obligations.

III. That the Magnetic Iron Company of South Carolina shall be entitled to all the property, rights and claims, and be liable for all the debts and obligations, of the Swedish Iron Manufacturing Company of South Carolina, and shall also possess and enjoy the same powers and privileges, and be subject to the same restrictions and limitations, as are granted to or imposed upon the aforesaid Swedish Iron Manufacturing Company by the Act of Incorporation hereinbefore referred to.

May increase
 capital.

IV. That the said company, under their new name aforesaid, shall have power to sub-divide their capital stock into shares of the value of one hundred dollars each, and may increase their capital to any sum not exceeding five hundred thousand dollars.

In the Senate House, the eighteenth day of December, in the year of our Lord one thousand eight hundred and sixty-two, and in the eighty-seventh year of the sovereignty and independence of the State of South Carolina.

W. D. PORTER, President of the Senate.

A. P. ALDRICH, Speaker House of Representatives.

AN ACT TO VEST IN THE CONFEDERATE GOVERNMENT A PART OF
THE COLUMBIA CANAL, FOR THE TERM OF TWELVE YEARS.

A. D. 1863.

No. 4645.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the part of the Columbia Canal, together with the lands owned by the State on both sides thereof, from Bull's Sluice to the Columbia Bridge, be vested in the Confederate States of America for the term of twelve years from and after the nineteenth day of December, in the year of our Lord one thousand eight hundred and sixty-four, for the purpose of erecting suitable buildings and machinery for a powder mill, and continuing such as may be then erected, and the free use of the water power for propelling the necessary machinery, and with authority to exact and receive such tolls according to the rates established by law: *Provided*, That the said Confederate Government shall keep the said canal in good boating order, and cause an outlet or wasteway to be at all times kept open at the low end of said canal, so as to prevent the stagnation of water therein: *Provided, also*, That any owner of lands or lots on said canal, situated below the point fixed in the first part of this Section, shall have all the privileges of using the water in said canal as heretofore allowed by law.

Canal vested
in Confederate
States.Government to
keep canal in
boating order.

II. That the State reserves the right at any time to resume its control over that part of the canal situate between Bull's sluice and the nearest building thereto which may be erected for the use of the powder mill, and to lease the same, or any part thereof, for the erection of buildings for manufacturing purposes, or to use water for any purpose whatever: *Provided*, The same does not interfere with this grant of privilege to the Confederate Government; and if the said Confederate Government shall at any time abandon the use of said canal and the buildings and machinery erected for the purposes aforesaid, for a period of one year, or suffer the water in said canal to become stagnant for an unreasonable time, calculated to produce sickness, then the rights and benefits hereby conferred upon the Confederate Government shall revert to the State.

When State
may resume
control.

In the Senate House, the sixth day of February, in the year of our Lord one thousand eight hundred and sixty-three, and in the eighty seventh year of the sovereignty and independence of the State of South Carolina.

W. D. PORTER, President of the Senate.

A. P. ALDRICH, Speaker House of Representatives.

A. D. 1863.

AN ACT TO INCORPORATE THE CAROLINA COTTON AND WOOLEN FACTORY.

No. 4646.

- I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That Archibald S. Johnston, William Davidson, William C. Courtney, John Ferguson, William Lebby, Theodore D. Wagner, George S. Cameron, Donald L. McKay and William B. Heriot, and their associates and successors, are hereby made and created a body politic and corporate in law, by the name of the Carolina Cotton and Woolen Factory, for the purpose of manufacturing, bleaching, dyeing, printing and finishing all goods of which cotton, wool or other fibrous articles may form a part, and for procuring all machinery used for such purposes, and also for the transaction of such business as may be necessarily connected therewith, and may erect such mills and other works as may be required to carry on such branches of manufacture; and they shall have power to raise, by subscription, in shares of one hundred dollars each, a capital of one hundred and fifty thousand dollars.
- II. That the said corporation may purchase and hold such real estate as may be required for their purposes, or such as they may be obliged or deem it for their interest to take in the settlement of any debts due the said corporation, and may dispose of the same, and may sue and be sued in all Courts of law and equity in this State; may have and use a common seal, and make such by laws for their regulation and government as they may deem proper: *Provided*, That such by-laws are not inconsistent with the Constitution and laws of the Confederate States and of this State.
- III. That the said corporation shall not go into operation until seventy-five thousand dollars of the capital stock shall be paid up in the current bank notes of this State or in the current notes of the Treasury of the Confederate States, and an oath or affirmation thereof shall be made by the President, Treasurer, and a majority of the Board of Directors, which shall be recorded in the Secretary of State's office, and published in at least two respectable newspapers in the State, one as near the establishment as circumstances will admit, the other in the city of Charleston, and this shall be repeated after the payment of each instalment, until the whole capital is paid in.
- IV. That the members of the said corporation shall be liable, jointly and severally, for all debts and contracts made by such corporation until the whole amount of the capital stock authorized to be subscribed, as aforesaid shall have been actually paid in, and no note or obligation given by any stockholder, whether secured by pledge of the stock in such corporation or otherwise, shall be considered as payment of the capital stock until such note or obligation shall have been actually paid.
- V. That the capital stock of said corporation shall be deemed personal property, and be transferable upon the books of the said corporation, and no part of the said capital stock shall at any time, or upon any pretence whatever, be loaned to or divided among the stockholders, neither shall the capital be withdrawn or divided among the stockholders until all the liabilities of the corporation

Corporators.

Name.

Capital.

May hold real estate.

May make by-laws.

When to go into operation.

Personal liability.

Stock personal property.

are lawfully paid; and no dividends shall be declared except from the net earnings of the corporation.

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VI. That each stockholder shall have one vote for each share he may own or represent at the election of Directors, and at all meetings of the corporation.

Votes.

VII. That if the proprietor of any share or shares shall neglect to pay any instalment assessed thereon, for the space of thirty days after the time appointed for the payment thereof, the Treasurer of the corporation, by order of the Board of Directors, may sell, by public auction, a sufficient number of such delinquent's shares to pay all instalments then due from him, with all necessary incidental charges. The Treasurer shall give notice of the time and place of sale, and of the sum due on each share, by advertising the same three weeks successively before the sale in some newspaper which may be published near the vicinity of the establishment, and a bill of sale of the shares so sold, made by the Treasurer, shall transfer said stock to the purchaser, who shall be entitled to a certificate thereof.

Penalty for neglect to pay instalments.

VIII. That the persons named in the first Section of this Act, or a majority of them, may open books of subscription for the capital stock, in such manner as they may deem expedient, and whenever such subscriptions shall amount to fifty thousand dollars, the stockholders, having had two weeks' notice in writing, may meet and proceed to elect a Board, consisting of a President and six Directors, for conducting the affairs of the corporation, they to hold office until their successors shall be elected; and said President and Directors, or their successors, shall have power to dispose of any remainder of such stock which may not have been subscribed for, in such manner and at such times as they may deem fit.

Books to be opened.

IX. That the President and Directors shall submit to the stockholders annually a written statement, under the oath or affirmation of the Treasurer of the corporation, setting forth the amount of capital stock paid in, and the general assets of the corporation, and also the amount of all their existing debts, which statement shall be published in a newspaper located nearest the factory.

Annual statement.

X. That the service of any process of any Court of this State shall be legal and valid on said corporation, if the same shall be left at the factory: *Provided*, The President of the corporation is absent from and beyond the limits of the District in which the said factory is established.

Service of process.

XI. That this Act shall continue in force for fourteen years; and no part of the capital stock, nor any of the funds of the said corporation, shall at any time during the continuance of this charter be used or employed, directly or indirectly, in banking operations, or for any purpose whatever inconsistent with this Act.

Limitation.

XII. That the total amount of the debts which the said corporation shall at any time owe shall not exceed the amount of their capital stock actually paid in; and in case of excess, the President and Directors under whose administration it shall happen shall be jointly and severally liable, in their natural capacities. The President or any of the Directors who may have been absent when

Banking prohibited.

Debts limited.

A. D. 1863.

such excess was created, may respectively exonerate themselves from being so liable, by forthwith giving notice of the fact to the stockholders at a general meeting, which they shall have power to call for that purpose.

In the Senate House, the eighteenth day of December, in the year of our Lord one thousand eight hundred and sixty-two, and in the eighty-seventh year of the sovereignty and independence of the State of South Carolina.

W. D. PORTER, President of the Senate.

A. P. ALDRICH, Speaker House of Representatives.

No. 4647. AN ACT TO GRANT THE AID OF THE STATE TO THE CHERAW AND COAL FIELDS RAILROAD COMPANY.

Terms of grant.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That whenever satisfactory proof is produced to the Comptroller General that three hundred and twenty thousand dollars are duly subscribed, by responsible persons or corporate bodies, to the capital stock of the Cheraw and Coal Fields Railroad Company, and that said company has been duly organized, he is hereby authorized to subscribe, on the part of the State, three hundred and twenty thousand dollars to the capital stock of the said company, to be paid in the stock held by the State in the Northeastern Railroad Company and the Cheraw and Darlington Railroad Company, at the par value thereof. And that he take, in the name of the State, a certificate from the said company for the stock so subscribed; and the said Cheraw and Coal Fields Railroad Company shall receive the stock given by the State in payment at par, and without any recourse whatever against the State.

Stock, how paid, conditions, &c.

II. That the stock shall be paid in the manner, and subject to the terms and conditions, hereinafter expressed, to wit: Whenever satisfactory proof shall be produced to the Comptroller General that the sum of one hundred thousand dollars shall have been expended in the construction of said road he shall transfer and deliver to said company so much of the stock in the Northeastern Railroad Company as shall amount, at its par value, to one hundred thousand dollars. And when similar proof shall be produced to the Comptroller General that one hundred thousand dollars more shall have been expended, as aforesaid, he shall transfer and deliver one hundred thousand dollars in the stock of the Cheraw and Darlington Railroad Company, taken at its par value; and when, in like manner, one hundred and twenty thousand dollars more shall have been expended, and the proof furnished in the manner as aforesaid, then the Comptroller General shall transfer and deliver to said company the whole remainder of the stock of the Northeastern Railroad Company, amounting at par to one hundred and twenty thousand dollars.

III. That the State shall in no way whatever be liable for the debts and contracts of the said Railroad Company, nor be subject to any assessment on the shares held in its capital stock.

A. D. 1863.

State not liable

In the Senate House, the sixth day of February, in the year of our Lord one thousand eight hundred and sixty-three, and in the eighty-seventh year of the sovereignty and independence of the State of South Carolina.

W. D. PORTER, President of the Senate.

A. P. ALDRICH, Speaker House of Representatives.

AN ACT TO CHARTER THE SHELBY AND BROAD RIVER RAIL- No. 4648.
ROAD COMPANY.

Whereas it is highly necessary, for the full development of the iron resources of this State, that mineral coal should be introduced from the nearest mines in North Carolina:

Preamble.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That for the purpose of establishing communication by railroad between the States of North Carolina and South Carolina, from Shelby, in the County of Cleveland, in the former State, to such points on the Spartanburg and Union Railroad, the King's Mountain Railroad, or the Charlotte and South Carolina Railroad, as may be agreed on by the stockholders, the formation of a corporate company is hereby authorized, to be called "The Shelby and Broad River Railroad Company;" which company, when formed in compliance with the conditions herein prescribed, shall have corporate existence as a body politic.

Company in-
corporated.

II. That the capital stock of said company shall be five hundred thousand dollars, in five thousand shares of one hundred dollars each; and for the purpose of raising the same, the Comptroller General is authorized, on the application of any person interested in the construction of said railroad, to require the opening of books of subscription at such places, and at such times, and by such persons, as he may, by publication, appoint; upon which subscription there shall be paid, at the time of subscribing, the sum of five dollars on each share subscribed; which payment may be made in notes of any of the banks of North or South Carolina, in treasury notes, or in any currency of the Confederate States; and in default of such payment, the subscription of the person so in default shall be void.

Capital stock.

III. That when satisfactory evidence shall be furnished to the Comptroller General that fifty thousand dollars of the capital stock of said company has been subscribed, he shall, by publication, convene a meeting of the subscribers for the organization of the company, at such time and place as may, in his judgment, suit the convenience of the subscribers; at which meeting, and at every annual meeting thereafter, there shall be elected a Board of seven Direct-

Organization.

A. D. 1863.

Privileges
and liabilities.

ors, three of whom, at least, shall be citizens of this State, and three, at least, citizens of the State of North Carolina.

IV. That the company, when so organized, shall be, and they are hereby, declared a body politic and corporate by the name and style of "The Shelby and Broad River Railroad Company," and by that name shall be capable, in law and equity, of purchasing, holding, selling, leasing and conveying estates, real, personal and mixed, and acquiring the same by gift or devise, so far as may be necessary for the purposes embraced within the scope and object of their charter; shall have succession of officers and members; by their corporate name may sue and be sued, plead and be impleaded, in any Court of law or equity; may have and use a common seal; may make all such by-laws, rules and regulations as shall be deemed necessary for the well-ordering and conducting the affairs of the company, not inconsistent with the laws of this State or of the Confederate States.

Company to
construct road.

V. That the said company are hereby authorized to construct a railroad from such points on either the Spartanburg and Union Railroad, the King's Mountain Railroad, or the Charlotte and South Carolina Railroad, as the stockholders of the company hereby incorporated may select, towards and unto the North Carolina line, on the route that may be fixed by the company, leading to the Wilmington and Rutherford Railroad, in North Carolina, at or near the village of Shelby, in the said State; and that, for the purposes aforesaid, all the rights, powers and privileges conferred on the Charlotte and South Carolina Railroad Company by an Act entitled "An Act to charter the Charlotte and South Carolina Railroad Company," ratified the eighteenth day of December, in the year of our Lord one thousand eight hundred and forty-six, are hereby conferred on the said Shelby and Broad River Railroad Company, subject to the same conditions and restrictions, except so far as the special provisions of this Act may require the same to be modified or varied.

Limitation.

VI. That this Act shall be deemed a public Act, and shall continue of force for the term of ninety-nine years.

In the Senate House, the eighteenth day of December, in the year of our Lord one thousand eight hundred and sixty-two, and in the eighty-seventh year of the sovereignty and independence of the State of South Carolina.

W. D. PORTER, President of the Senate.

A. P. ALDRICH, Speaker House of Representatives.

No. 4649. AN ACT TO INCORPORATE THE WANDO, WAMBAW AND WINYAH CANAL COMPANY.

Name and
style.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the persons who shall subscribe in the manner hereinafter provided, and their successors, shall be a body politic and corporate, by the name and style of "the Wando, Wambaw and

Winyah Canal Company," and by the name and style aforesaid shall and may sue and be sued, plead and be impleaded; and the said company shall have authority to make such rules and regulations, and appoint such officers and agents for the government and management of their affairs as they may think proper: *Provided*, Such rules and regulations shall not be repugnant to or inconsistent with any law of force in this State.

A. D. 1863.
Rules and
regulations.

II. The said company shall have power and authority to cause a communication or inland navigation by a canal or canals, with or without locks, to be made through such places as to them shall seem most fit and convenient, from Wando River to Wambaw Creek, and also from the South branch of Santee River to the North branch of the same, and from the said North branch, or any creek communicating therewith, to Winyah Bay; and they and their successors forever shall and may fix and establish, and may be entitled to take and receive, by way of toll, for all goods and merchandise carried on or through, and boats, vessels and rafts passing on or through the said canals, such sums or rates as the said company shall think proper to impose; and the said company, or their agents, may stop any goods, vessels, boats or rafts from passing on the said canals until payment of the said toll.

May make
canal.

Rates of toll.

III. The said company shall have power to purchase, for themselves and their successors forever, such lands as may be necessary for the purpose aforesaid; and where they and the owners of the said lands cannot agree upon the price, to take the said lands at a valuation to be made by a majority of five persons, to be appointed by the Court of Common Pleas; which land shall, on payment of the sums at which it shall be valued, be vested in the said company forever: *Provided, however*, That the parties shall have the same right of appeal from such valuation as is provided in similar cases by the charter of the South Carolina Railroad Company, and the charters of the other railroad companies in this State; and the said company shall also have authority to collect and reserve water for the use of the said canals and locks, making satisfaction for the damages done thereby; the said damages to be ascertained in the manner above directed with respect to the value of land.

May purchase
lands.

Parties may
appeal.

IV. The shares in the capital stock of the said company shall be exempted from any rate, tax, duty, assessment or imposition, until the profits and dividends of said company shall reach ten per cent.; and the said shares shall be deemed personal estate, and may be sold, transferred, assigned, bequeathed and transmitted as such.

Stock exempt
from taxation,
&c.

V. If any person shall wilfully or maliciously cut, break down, damage or destroy any bank or other work to be erected or made for the purpose of the said navigation, such person shall be liable to prosecution by indictment therefor, and upon conviction, shall be punished by fine and imprisonment, at the discretion of the Court: *Provided*, That the fine shall not exceed two thousand dollars, nor the imprisonment two years. And if any person shall do any of the acts aforesaid, or shall throw earth, trees, logs or other rubbish into the said canals, so as to obstruct or injure the same, such persons shall be liable to the said company in a civil action for the damages occasioned thereby.

Penalty for
damage to
canal.

Offenders lia-
ble for dam-
ages.

A. D. 1863.

Company may
take materials.

VI. The said company shall have power and authority to use any materials in the vicinity of the said canals for making the same or the said locks, or keeping the same in repair, paying a reasonable price for the same, which price shall be ascertained in like manner as the value of the land which the company may take, as aforesaid, in case they and the owners of the said land cannot agree about the price thereof.

Commissioners
appointed.

VII. William Lucas, Gabriel Manigault, Stephen D. Doar, Benjamin P. Collum, William St. J. Mazyck, William C. Bee, Alexander Robertson, James G. Henning, Sextus T. Gaillard, James R. Sparkman and Andrew Hasell, are hereby appointed Commissioners for receiving subscriptions to the capital stock of the said company; they, or any of them, are authorized to receive such subscriptions, at such times, at such place and places as they may appoint, giving due notice thereof. No subscription shall be received for any less sum than fifty dollars. Whenever the sum of thirty thousand dollars shall have been subscribed, and five per centum of the amount subscribed paid in, the rights and powers hereby conferred shall be vested in the subscribers, and the Commissioners shall give notice of a meeting of the same, for the purpose of organizing the company. The said company may afterwards receive such further subscriptions as they may deem necessary.

When com-
pany may or-
ganize.

Public Act.

VIII. This Act shall be deemed and taken to be a public Act, and judicially taken notice of as such without special pleading.

In the Senate House, the sixth day of February, in the year of our Lord one thousand eight hundred and sixty-three, and in the eighty-seventh year of the sovereignty and independence of the State of South Carolina.

W. D. PORTER, President of the Senate.

A. P. ALDRICH, Speaker House of Representatives.

No. 4650. AN ACT TO CHARTER THE PALMETTO EXPORTING AND IMPORTING COMPANY.

Corporators,
powers, &c.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That H. L. P. McCormick, C. T. Mitchell, J. R. Dukes, L. C. Clifford, Z. B. Oakes, and their associates and successors, be, and they are hereby, made a body corporate and politic in law, by the name of "The Palmetto Exporting and Importing Company;" and the said company shall have power to export produce from this State to neutral ports, and import into this State from neutral ports arms, munitions of war, and other commodities, and also to bring and carry mails and passengers in their vessels.

Capital.

II. The capital stock of said company shall be two hundred and fifty thousand dollars, with the privilege of increasing the same to one million of dollars: *Provided*, Such increase shall be agreed to by a majority in number of its stockholders.

III. The capital stock shall be raised by subscription, in shares of one thousand dollars each; but the said company shall not go into operation until the said stock, to the amount of at least two hundred thousand dollars, has been paid in cash, and an oath or affirmation thereof shall have been made and subscribed by the President of the company, the Treasurer and majority of the Board of Directors, which shall be lodged and recorded in the office of the Secretary of State, and be published in two newspapers of the city of Charleston.

A. D. 1863.

How capital to be raised.

IV. The affairs of the company shall be managed by a Board, consisting of a President and four Directors, who shall be elected in such manner and for such periods as the stockholders may prescribe.

Board of Directors.

V. The said capital stock shall be deemed personal estate, and the company may hold such personal property as may be necessary for the purposes of their business, and may, from time to time, sell and transfer the same, or any part thereof.

Personal property.

VI. The said company may, by its corporate name, be plaintiff or defendant in any Court of law or equity in this State, and may have and use a common seal, and may make such by-laws and regulations for their government as they shall see fit, with full power to enforce the due observance thereof upon their members: *Provided*, Said laws are not inconsistent with the Constitution and laws of this State or of the Confederate States.

By-laws, &c.

VII. No part of the capital stock shall at any time be withdrawn by or divided among the stockholders until all the debts and liabilities of the said corporation shall have been fully paid off and discharged.

Dividends.

In the Senate House, the sixth day of February, in the year of our Lord one thousand eight hundred and sixty-three, and in the eighty-seventh year of the sovereignty and independence of the State of South Carolina.

W. D. PORTER, President of the Senate.

A. P. ALDRICH, Speaker House of Representatives.

AN ACT TO INCORPORATE THE IMPORTING AND EXPORTING COMPANY OF SOUTH CAROLINA. No. 4651.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That William C. Bee, J. Clough Farrar, Benjamin Mordecai, E. L. Kerrison, Otis Mills, William Ravenel, D. H. Silcox, and their associates and successors, be, and they are hereby, made a body politic and corporate in law, by the name of "The Importing and Exporting Company of South Carolina;" and the said company shall have power to export produce from this State to neutral ports, and import into this State from neutral ports arms, munitions of war, and other commodities, and also to bring and carry mails and passengers in their vessels.

Corporators.

Name.

Powers.

A. D. 1863.

Capital.

II. The capital stock of the said company shall be two hundred and fifty thousand dollars, with the privilege of increasing the same to one million dollars: *Provided*, Such increase shall be agreed to by a majority in number of the stockholders.

When to commence operations.

III. The capital stock shall be raised by subscription in shares of one thousand dollars each; but the company shall not go into operation until the said stock to the amount of at least two hundred thousand dollars has been paid in cash, and an oath or affirmation thereof shall have been made and subscribed by the President of the company, the Treasurer, and a majority of the Board of Directors, which shall be lodged and recorded in the office of the Secretary of State, and be published in two newspapers of the city of Charleston.

Board of Directors.

IV. The affairs of the company shall be managed by a Board, consisting of a President and four Directors, who shall be elected in such manner and for such periods as the stockholders may prescribe.

Personal property.

V. The said capital stock shall be deemed personal estate, and the company may hold such personal property as may be necessary for the purposes of their business, and may from time to time sell and transfer the same or any part thereof.

May make by-laws, &c.

VI. The said company may, by its corporate name, be plaintiff or defendant in any Court of law or equity in this State, and may have and use a common seal, and make such by-laws and regulations for their government as they shall see fit, with full power to enforce the due observance thereof upon their members: *Provided*, Said laws are not inconsistent with the Constitution and laws of this State and the Confederate States.

Debts paid before dividends.

VII. No part of the capital stock shall at any time be withdrawn by a dividend among the stockholders, until all the debts and liabilities of the corporation shall have been fully paid off and discharged.

In the Senate House, the eighteenth day of December, in the year of our Lord one thousand eight hundred and sixty-two, and in the eighty-seventh year of the sovereignty and independence of the State of South Carolina.

W. D. PORTER, President of the Senate.

A. P. ALDRICH, Speaker House of Representatives.

No. 4652. AN ACT TO CHARTER THE ATLANTIC STEAM PACKET COMPANY OF THE CONFEDERATE STATES.

Corporators.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That William H. Gilliland, Hugh R. Banks, James Hope, Daniel F. Fleming, and their associates and successors, be, and the same are hereby, made a body corporate and politic in law, by the name of the Atlantic Steam Packet Company of the Confederate States; and the said company shall have power to import into this

Powers.

State, or any other of the Confederate States, arms, munitions of war, and other commodities, and also to export produce and other commodities from this State, or from any other of the Confederate States, and also to bring and carry mails and passengers in their vessels, and to do such acts or things as are necessary fully to carry out these objects.

A. D. 1863.

II. The capital stock of said company shall be five hundred thousand dollars, with the privilege of increasing it to any amount not exceeding two million dollars, provided such increase shall be agreed to by a majority of the stockholders.

Capital.

III. The capital stock shall be raised by subscription, in shares of one thousand dollars each, but the said company shall not go into operation until the said stock, to the amount of at least five hundred thousand dollars, has been paid in cash, and an oath or affirmation thereof shall have been made and subscribed by the President of the company, the Treasurer, and majority of the Board of Directors, which shall be lodged and recorded in the office of the Secretary of State, and be published in two newspapers of the city of Charleston, South Carolina.

How stock to be raised.

IV. The affairs of the company shall be managed by a Board, consisting of a President and six Directors, who shall be elected in such manner, and for such periods, as the stockholders may prescribe; and the said President and Directors shall adopt such rules and regulations as they may deem expedient, not inconsistent with the laws of this State or of the Confederate States.

Board of Directors elected.

V. The said stock shall be deemed personal estate, and the company may hold such personal property as may be necessary for the purposes of their business, and may, from time to time, sell and transfer the same, or any part thereof.

Stock personal property.

VI. The company may, by its corporate name, be plaintiff or defendant in any Court of law or equity in this State, and may have and use a common seal, and may make such by-laws and regulations for their government as they shall see fit, with full power to enforce their due observance upon their members: *Provided*, Said laws are not inconsistent with the Constitution and laws of this State or of the Confederate States.

May make by-laws, &c.

VII. No part of the capital stock shall at any time be withdrawn by or divided among the stockholders until all the debts and liabilities of the said corporation shall have been fully paid off and discharged.

Debts paid before dividend.

VIII. That the corporators named in this Act be authorized to call the subscribers together at such time, after the passage thereof, as may be most convenient, by public advertisement in Charleston, Augusta, and Columbia, for the purpose of organizing the said company hereby incorporated, and electing the President and Directors herein provided for.

When Company to organize.

In the Senate House, the sixth day of February, in the year of our Lord one thousand eight hundred and sixty-three, and in the eighty-seventh year of the sovereignty and independence of the State of South Carolina.

W. D. PORTER, President of the Senate.

A. P. ALDRICH, Speaker House of Representatives.

A. D. 1863.

No. 4653.

AN ACT TO AUTHORIZE THE ISSUE OF STOCK FOR THE PURPOSE OF CONTINUING THE CONSTRUCTION OF THE NEW STATE HOUSE.

Governor to
issue stock.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That His Excellency the Governor be, and he is hereby, authorized and required to issue, in the name of the State, stock, to be countersigned by the Comptroller General, for the amount of twenty-five thousand dollars, bearing interest at the rate of six per cent. per annum, payable semi-annually, at the Treasury of the State, and redeemable thereat on the first day of July, which will be in the year of our Lord one thousand eight hundred and ninety.

Faith of State
pledged.

II. That the faith of the State is hereby pledged for the punctual payment of the interest on said stock, and for the redemption of the principal of the same when it shall become due.

Stock, how
disposed of.

III. That the said stock, when issued, shall be placed in the Treasury, to the credit of the fund for erecting the New State House, subject to the order of the acting Commissioner, Superintendent and Architect, John R. Niernsee, to be used by him in continuing the construction of the New State House.

Former ap-
propriation at
disposal of
Commissioner.

IV. That it shall be the duty of the agent of the State to deposit in the Treasury, to the credit of the fund for erecting the New State House, the unexpended balance of the stock heretofore appropriated, amounting to one hundred and one thousand and eighty-eight dollars and thirty-eight cents, subject to the order of John R. Niernsee, acting Commissioner, Superintendent and Architect, to be drawn and applied by him to the construction of the New State House.

In the Senate House, the sixth day of February, in the year of our Lord one thousand eight hundred and sixty-three, and in the eighty-seventh year of the sovereignty and independence of the State of South Carolina.

WM. D. PORTER, President of the Senate.

A. P. ALDRICH, Speaker House of Representatives.

No. 4654. AN ACT TO INCREASE THE FEES OF SHERIFFS FOR DIETING PERSONS CONFINED IN JAIL.

Charges in-
creased.

Be it enacted by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the Sheriff's shall hereafter be entitled to charge and receive, for dieting white persons confined in jail, sixty cents per day each, and for dieting slaves or free persons of color, forty cents per day each.

In the Senate House, the sixth day of February, in the year of our Lord one thousand eight hundred and sixty-three, and in the eighty-seventh year of the sovereignty and independence of the State of South Carolina.

W. D. PORTER, President of the Senate.

A. P. ALDRICH, Speaker House of Representatives.

AN ACT TO CONFER THE RIGHTS OF LEGITIMACY ON MARY E. DANIEL.

A. D. 1863.

No. 4655.

Rights of legitimacy granted.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That Mary E. Daniel, daughter of William B. Daniel, of York District, begotten upon the body of Elizabeth White, which said William B. Daniel and Elizabeth White have since intermarried, be, and is hereby, invested with all the rights and privileges of a legitimate child, and authorized and entitled to take and hold real and personal estate, under the Statutes for distribution of intestates' estates, or as legatee and devisee of her said parents, in the same manner and to the same extent as if she had been born in lawful wedlock.

In the Senate House, the sixth day of February, in the year of our Lord one thousand eight hundred and sixty-three, and in the eighty-seventh year of the sovereignty and independence of the State of South Carolina.

WILLIAM D. PORTER, President of the Senate.

A. P. ALDRICH, Speaker House of Representatives.

AN ACT TO AMEND AN ACT ENTITLED "AN ACT TO AUTHORIZE THE CITY COUNCIL OF CHARLESTON TO ISSUE AND PUT IN CIRCULATION NOTES RECEIVABLE IN TAXES OR DUES TO THE CITY," RATIFIED THE TWENTY-FIRST DAY OF DECEMBER, IN THE YEAR OF OUR LORD ONE THOUSAND EIGHT HUNDRED AND SIXTY-ONE. No. 4656.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the first Section of an Act entitled "An Act to authorize the City Council of Charleston to issue and put in circulation notes receivable in taxes or dues to the city," ratified the twenty-first day of December, in the year of our Lord one thousand eight hundred and sixty-one, be, and the same is hereby, altered and amended so as to authorize the redemption of the said notes by the Mayor of the city in the treasury notes of the Confederate States, as well as in the notes of the several banks of this State.

Act of 1861 repealed.

In the Senate House, the sixth day of February, in the year of our Lord one thousand eight hundred and sixty-three, and in the eighty-seventh year of the sovereignty and independence of the State of South Carolina.

WILLIAM D. PORTER, President of the Senate.

A. P. ALDRICH, Speaker House of Representatives.

A. D. 1863.

No. 4657.

AN ACT TO EXTEND SOME OF THE PROVISIONS OF AN ACT ENTITLED "AN ACT IN REFERENCE TO THE SUSPENSION OF SPECIE PAYMENTS BY THE BANKS OF THIS STATE, AND FOR OTHER PURPOSES," TO THE FIRST DAY OF JANUARY, IN THE YEAR OF OUR LORD ONE THOUSAND EIGHT HUNDRED AND SIXTY-FOUR.

Part of Act of
1861 extended.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the provisions of the three first Sections of an Act entitled "An Act in reference to the suspension of specie payments by the banks of this State, and for other purposes," passed on the twenty-first day of December, in the year of our Lord one thousand eight hundred and sixty-one, and which by said Act are operative until the first day of January, in the year of our Lord one thousand eight hundred and sixty-three, be, and the same are hereby, extended to the first day of January, in the year of our Lord one thousand eight hundred and sixty-four; and that the provisions of the three last Sections of the said Act, which by the said Act are not limited in their operation, be, and the same are hereby, in like manner limited in their operation to the first day of January, in the year of our Lord one thousand eight hundred and sixty-four.

Part of Act of
1861 limited.

In the Senate House, the sixth day of February, in the year of our Lord one thousand eight hundred and sixty-three, and in the eighty-seventh year of the sovereignty and independence of the State of South Carolina.

WILLIAM D. PORTER, President of the Senate.

A. P. ALDRICH, Speaker House of Representatives.

No. 4658. AN ACT TO VEST THE TITLE OF THE STATE IN CERTAIN ESCHEATED PROPERTY IN ROSE ANN CARNIGHAN.

Title vested
in Rose Ann
Carnighan.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That all the right, title and interest of the State in that portion of the real estate of Richard McElleran, deceased, containing one acre, more or less, in the city of Columbia, butting and bounding east on Richardson street, west and south on land now or late of Maria P. Cross, and north on Devine street, being one-fourth of a square of land, purchased by William T. Cross, deceased, from the Commissioner of the State of South Carolina for the sale of public lots in the city of Columbia, be, and the same is hereby, vested in Rose Ann Carnighan, her heirs and assigns, forever.

In the Senate House, the sixth day of February, in the year of our Lord one thousand eight hundred and sixty-three, and in the eighty-seventh year of the sovereignty and independence of the State of South Carolina.

W. D. PORTER, President of the Senate.

A. P. ALDRICH, Speaker House of Representatives.

AN ACT TO AUTHORIZE THE BANKS OF THIS STATE TO PURCHASE CONFEDERATE AND STATE SECURITIES.

A. D. 1863.

No. 4659.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That from and after the passing of this Act, it shall and may be lawful for the banks of this State to purchase the bonds and stock issued by the Confederate Government, or by any of the States of the Confederate States of America, and that all such purchases as may have already been made by any of the said banks are hereby sanctioned and allowed.

May purchase Confederate States stock.

In the Senate House, the sixth day of February, in the year of our Lord one thousand eight hundred and sixty-three, and in the eighty-seventh year of the sovereignty and independence of the State of South Carolina.

W. D. PORTER, President of the Senate.

A. P. ALDRICH, Speaker House of Representatives.

AN ACT TO ENABLE THE CHARLESTON SAVINGS INSTITUTION TO PURCHASE AND HOLD REAL PROPERTY. No. 4660.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the Charleston Savings Institution shall be, and the said corporation is hereby, authorized to purchase and hold real estate within the Parishes of St. Philip's and St. Michael's to an amount not exceeding sixty thousand dollars; and the same to alien, from time to time, as shall be deemed expedient.

May hold real property.

In the Senate House, the eighteenth day of December, in the year of our Lord one thousand eight hundred and sixty-two, and in the eighty-seventh year of the sovereignty and independence of the State of South Carolina.

W. D. PORTER, President of the Senate.

A. P. ALDRICH, Speaker House of Representatives.

AN ACT TO CONTINUE OF FORCE AN ACT ENTITLED "AN ACT TO AUTHORIZE CERTAIN BUILDING AND LOAN ASSOCIATIONS TO SUSPEND THE CALL FOR MONTHLY INSTALMENTS." No. 4661.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That an Act entitled "An Act to authorize certain Building and Loan Associations to suspend the call for monthly instalments," ratified the twenty-first day of December, in the year of our Lord one thousand eight hundred and sixty-one, be, and the same is hereby,

Act of 1861 extended.

A. D. 1863. continued of force until the first day of January, in the year of our Lord one thousand eight hundred and sixty-four.

In the Senate House, the sixth day of February, in the year of our Lord one thousand eight hundred and sixty-three, and in the eighty-seventh year of the sovereignty and independence of the State of South Carolina.

W. D. PORTER, President of the Senate.

A. P. ALDRICH, Speaker House of Representatives.

No. 4662. AN ACT TO AMEND THE CHARTER OF THE BANK OF CHARLESTON, SOUTH CAROLINA.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That from and after the passing of this Act it shall and may be lawful for the Bank of Charleston, South Carolina, to purchase the bonds and stocks issued by the Confederate Government, or by any of the States of the Confederate States of America.

Bank may
purchase bonds
and stocks.

In the Senate House, the sixth day of February, in the year of our Lord one thousand eight hundred and sixty-three, and in the eighty-seventh year of the sovereignty and independence of the State of South Carolina.

W. D. PORTER, President of the Senate.

A. P. ALDRICH, Speaker House of Representatives.

No. 4663. AN ACT TO PROVIDE FOR VOLUNTEER COMPANIES OF MOUNTED INFANTRY, AND FOR OTHER PURPOSES.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the Governor be, and he is hereby, authorized to accept as many Volunteer Companies of Mounted Infantry as may be offered, to consist of not less than sixty-four nor more than one hundred men, exclusive of commissioned officers, who shall be organized by him into Battalions or Regiments by the election of field officers, if the number of said companies be sufficient for that purpose; and said companies shall be called out at the discretion of the Governor, to suppress insurrections or to repel actual or threatened raids of the enemy within this State, and shall be discharged from actual service whenever, in his judgment, the actual necessity for such service has ceased.

Governor to
accept Volunteer
Mounted
Infantry.

II. That for the purpose of suppressing insurrections and repelling raids, the Governor be, and he is hereby, authorized to enroll all white male persons in this State between the ages of eighteen and forty-five years, including all persons who have furnished substitutes

Who to be
accepted.

in Confederate service, resident aliens, and other persons who have avoided Confederate conscription by reason of any civil employment, contract or engagement, and excluding all who have been declared exempt from actual military service beyond the limits of the Districts in which they reside, by the Act of the General Assembly entitled "An Act for the better organization of the Militia, and for other purposes," passed the sixth of February, eighteen hundred and sixty-three, and also excluding such as have volunteered or may volunteer in the companies of Mounted Infantry provided for by the first Section of this Act; and for the purpose of making said enrollment, the Governor is hereby authorized to appoint one Enrolling Officer in each Judicial District in this State, and as many Surgeons as may be necessary, to examine persons claiming exemption from service on the ground of physical disability, and the Militia officers shall report lists of such persons as are liable to be enrolled as aforesaid, whenever required.

A. D. 1863.

Who to be excluded.

Governor to appoint Enrolling officers and Surgeons.

Militia officers to report persons liable.

III. That the effective men so enrolled shall be organized into Companies, Battalions, and as many Regiments of Infantry as they are sufficient to constitute, and be placed at the disposal of the Governor for the purposes aforesaid, and be kept in the field so long as he may deem the same to be necessary for the public safety; the company and field officers to be elected by the men, at such times and places and in such manner as the Governor may direct; and on a failure to elect said officers when ordered, they shall be appointed by the Governor.

Organization of effective men.

Election or appointment of Field Officers.

IV. That the Governor be also authorized, from the persons enrolled under the second Section of this Act, to organize one or more companies of artillery, to be used for the purposes provided for by the third Section of this Act.

Organization of Artillery.

V. That nothing herein contained shall be construed so as to prevent the Governor from exercising the powers conferred upon him by the eighth Section of the Act of the General Assembly entitled "An Act for the better organization of the Militia, and for other purposes," passed the sixth day of February, eighteen hundred and sixty-three, or from carrying into execution any of the provisions of said Act which are consistent with the provisions of this Act.

Powers conferred upon the Governor not to be improperly construed, &c.

VI. That all persons liable to perform Military service under the provisions of this Act, and who shall make default when summoned into such service, shall be subject to the pains and penalties provided for by the eleventh Section of the Act of the General Assembly entitled "An Act for the better organization of the Militia, and for other purposes," passed the sixth of February, eighteen hundred and sixty-three, to be imposed by a court martial, appointed by the Governor and Commander-in-Chief.

Defaulters—how punishable.

VII. That the troops called into service by the provisions of this Act shall, whilst in actual service, be subject to the Articles of War and Army Regulations of the Confederate States of America, and shall receive the same pay and allowance as Confederate troops of the same class are entitled to receive.

Troops subject to Articles of War.

Pay and allowance.

VIII. For the purpose of equipping and supplying said troops, while in actual service, the sum of five hundred thousand dollars be, and the same is hereby, appropriated, from any moneys in the Treasury not otherwise appropriated, to be drawn by the Governor.

Appropriation for equipping and supplying troops.

A. D. 1863.

Exemptions
from service.

IX. That such persons and employees in each paper mill and newspaper or printing establishment, and iron manufactories, as the Adjutant and Inspector General, with the approval of the Governor, may see fit to exempt from time to time from military service, be exempted.

In the Senate House, the thirtieth day of September, in the year of our Lord one thousand eight hundred and sixty-three, and in the eighty eighth year of the sovereignty and independence of the State of South Carolina.

W. D. PORTER, President of the Senate.

A. P. ALDRICH, Speaker House of Representatives.

No. 4664. AN ACT TO PROVIDE FOR THE ELECTION OF MEMBERS OF THE CONGRESS OF THE CONFEDERATE STATES OF AMERICA FROM THIS STATE.

I. Be it enacted by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the State be, and hereby is, divided into six Districts, for the purpose of electing Representatives from this State to the Congress of the Confederate States of America, of which the united Districts of Lancaster, Chesterfield, Marlboro', Darlington, Marion, Williamsburg, Horry and Georgetown shall constitute one District, to be designated the First Congressional District; the District of Charleston, exclusive of the Parish of St. John's Colleton, shall constitute one District, to be designated the Second Congressional District; the united Districts of Beaufort, Barnwell, Orangeburg, Colleton, and the Parish of St. John's Colleton, shall constitute one District, to be designated the Third Congressional District; the united Districts of Lexington, Edgefield, Newberry, Laurens and Abbeville, shall constitute one District, to be designated the Fourth Congressional District; the united Districts of Anderson, Pickens, Greenville, Spartanburg and Union, shall constitute one District, to be designated the Fifth Congressional District; the united Districts of York, Chester, Fairfield, Richland, Kershaw, Clarendon and Sumter, shall constitute one District, to be designated the Sixth Congressional District; and each of the said Districts, so constituted, shall send one Representative to the House of Representatives of the Confederate States of America, who shall be chosen by the persons qualified to vote for members of the House of Representatives of this State.

II. That the election of Representatives from this State to the next Congress shall be held on the first Tuesday after the third Monday in October next, at the same places, and be conducted by the same Managers, and in the same manner, as the election of members of the State Legislature; and the person who shall have the greatest number of votes in the several Districts thus constituted shall be the member for that District to the House of Representatives in the next Congress of the Confederate States of America from this State.

III. That the election of members of the House of Representatives of the Confederate States of America from this State, after the next election, shall be held biennially, on the first Tuesday after the third Monday in October, and conducted by the same Managers and in the same manner as the election of members of the State Legislature, and the person having the greatest number of votes in any Congressional District, at any of the said elections, shall be the Representative of that District in the Congress of the Confederate States of America.

A. D. 1863.
 Elections biennially.

IV. That the votes, when returned to Columbia by the Managers, (and it shall be their duty to return the same,) shall be counted by His Excellency the Governor, and Commissioners whom he may call to his assistance, on the first Monday of December after each election, or as soon thereafter as practicable, and, by proclamation, he shall announce the persons elected, as by law formerly provided.

Duty of Managers.

Votes, how counted and announced.

V. That when, during the existing war between the Confederate States of America and the United States, some or all of the places of voting in any Election District of this State shall be occupied or threatened by the enemy, so that, in the opinion of the Executive authority of the State, elections cannot be conducted therein with composure, it shall be competent for the Executive authority, by proclamation, to give notice of any election at which the voters of any of the said Election Districts would, in a condition of peace, be entitled to vote, and by the said proclamation, which shall be published at least a fortnight before the day fixed for any of the said elections, to direct in what neighboring Election District the voters may vote at the election, and at what places therein, and how and by whom the election shall be conducted, and how and when and where the result of the election shall be ascertained and declared; and elections held under the provisions of such proclamation shall be as valid and effectual as if they had been regularly had in the Election Districts so occupied or threatened by the enemy as aforesaid.

Elections in Districts occupied by the enemy, &c.

In the Senate House, the thirtieth day of September, in the year of our Lord one thousand eight hundred and sixty-three, and in the eighty-eighth year of the sovereignty and independence of the State of South Carolina.

W. D. PORTER, President of the Senate.

A. P. ALDRICH, Speaker House of Representatives.

AN ACT TO AMEND AN ACT ENTITLED "AN ACT TO AMEND No. 4665.
 AN ACT TO ORGANIZE AND SUPPLY NEGRO LABOR FOR COAST DEFENSE, IN COMPLIANCE WITH REQUISITIONS OF THE GOVERNMENT OF THE CONFEDERATE STATES, AND TO AUTHORIZE AND DIRECT THE GOVERNOR TO PROCEED TO FURNISH NEGRO LABOR UNDER SAID ACT."

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority

A. D. 1863.

Penalty for
neglect or re-
fusal to send
slaves.

of the same, That so much of an Act entitled "An Act to organize and supply negro labor for coast defense, in compliance with requisitions of the Government of the Confederate States," and of the Act amending said Act, passed on the sixth day of February, one thousand eight hundred and sixty-three, as fixes the fines and penalties in cases of neglect and refusal to send slaves according to the requirements of said Acts, be, and the same is hereby, repealed, so far as may apply to any future defaults; and it is hereby enacted that such neglect or refusal to send a slave or slaves, according to the requirements of said Act, shall be deemed a misdemeanor, punishable by indictment in the Court of General Sessions, and, upon conviction thereof, the owner or employer shall be fined in the sum of two hundred dollars for each slave which he or she has so neglected or refused to send.

Commission-
ers of Roads,
and other cor-
porate authori-
ties, to return
defaulters.

II. That it shall be the duty of the Commissioners of Roads, and the corporate authorities of cities, towns and villages, to make return, under oath, of all future defaulters under the Acts aforesaid, to some Magistrate in the District in which default shall be made, and such Magistrate, upon such return, is hereby required to issue his warrant or warrants against such defaulters as for misdemeanor.

Impressment
of Free persons
of color.

III. That whenever a requisition shall be made on any District, Parish, city or incorporated town or village, by the State Agent, for a supply of slave labor, under the provisions of the Act aforesaid, it shall be the duty of the Commissioners of Roads of said District or Parish, or corporate authorities of such city, town or village, to impress and forward, under such requisition, all able bodied male free persons of color, who are between the ages of sixteen and fifty years, who shall be required to labor for the same term as the slaves sent from such District, Parish, city, incorporated town or village, and be entitled to receive the same compensation allowed for the services of such slaves: *Provided*, That it shall be the duty of the Commissioners of Roads in each District and Parish, and the corporate authorities of each city, town or village, to select, by lot, the same proportion of laborers from this class as may be ordered in the assessment of slave labor, and that those selected to perform this duty shall not again be selected until the call has been made on all free negroes in their section: *And provided, also*, That the privilege of furnishing an able bodied substitute shall be extended to all such free negroes.

Proportion of
Free persons of
color, to be se-
lected by lot.

Substitutes.

Suits against
defaulters.

IV. That the Commissioners of Roads, in their respective Districts and Parishes, and the corporate authorities of cities, towns and villages, shall, at the ensuing Fall Terms of the Courts of Common Pleas, or as soon thereafter as practicable, bring suits against all defaulters for not sending their road hands to work on the defenses near Charleston, as called for by the State Agent, in pursuance of the Acts of Assembly on that subject, to recover the fines prescribed by said statutes, and shall not be estopped therefrom by reason of any provision contained in the Act of Assembly, entitled "An Act to continue in force an Act to extend relief to debtors, and to prevent the sacrifice of property at public sales," passed the sixth day of February, one thousand eight hundred and sixty-three, nor by the provisions of this Act.

V. That the negro labor herein provided for shall be liable for the construction of military defenses in any other portion of the State that may be threatened by the enemy.

A. D. 1863.

In the Senate House, the thirtieth day of September, in the year of our Lord one thousand eight hundred and sixty three, and in the eighty-eighth year of the sovereignty and independence of the State of South Carolina.

W. D. PORTER, President of the Senate.

A. P. ALDRICH, Speaker House of Representatives.

AN ACT TO PREVENT DESERTION FROM CONFEDERATE OR STATE MILITARY SERVICE, AND EVASION OF CONSCRIPTION. No. 4666.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That upon the lodging of information, on oath, with the Sheriff of any District in this State, (or, in his absence, with the Deputy Sheriff), that any deserter from Confederate or State military service, or evader of conscription or draft for service within this State, is within the limits of such District, it shall be the duty of such Sheriff (or, in his absence, the Deputy Sheriff,) to arrest such deserter or evader of conscription, so reported to him; and for that purpose, if necessary, to summon to his aid the *posse comitatus*; and to hold the person so arrested in safe custody until delivered to the Enrolling Officer of the District, or other person authorized to receive him.

Arrest of deserters.

II. That if any Sheriff, or Deputy Sheriff, shall refuse or wilfully neglect to arrest any person so reported to him as a deserter or evader of conscription or draft for service within this State, he shall be liable to indictment as for neglect of duty; and, upon conviction, shall be fined in the discretion of the Court, not exceeding one thousand dollars for each and every offense.

Sheriffs indictable for neglect to arrest.

III. That it shall be unlawful for any person to advise, encourage, procure or entice a soldier to desert from the service of the State, or of the Confederate States, or a conscript to evade his military obligation, or to harbor or conceal, or aid in harboring or concealing, any such deserter or evader of conscription. And if any person shall advise, encourage, procure or entice any soldier to desert from the service of the State or of the Confederate States, or a conscript or a person liable to conscription to evade his military obligation, or shall harbor or conceal, or aid in harboring or concealing, any such deserter or evader of conscription, knowing him to be such, or shall refuse to deliver up such deserter or evader of conscription to the Sheriff, or to any person authorized by the State or Confederate military authority to effect his arrest, such person, so offending, shall be liable to indictment as for a high misdemeanor, and, upon conviction, shall be fined not exceeding five hundred dol-

Penalty for aiding or abetting desertion.

A. D. 1863.

lars, and be imprisoned not exceeding one year, in any jail in the State where the imprisonment of the person so convicted shall be ordered by the Court.

In the Senate House, the thirtieth day of September, in the year of our Lord one thousand eight hundred and sixty-three, and in the eighty-eighth year of the sovereignty and independence of the State of South Carolina.

W. D. PORTER, President of the Senate.

A. P. ALDRICH, Speaker House of Representatives.

No. 4667. AN ACT TO RAISE SUPPLIES FOR THE YEAR COMMENCING IN OCTOBER, ONE THOUSAND EIGHT HUNDRED AND SIXTY-THREE.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That a tax for the sums, and in the manner hereinafter mentioned, shall be raised and paid into the Treasury of this State, for the use and service thereof, that is to say: Two dollars and ninety-three cents *ad valorem* on every hundred dollars of the value of all lands granted in this State, according to the existing classification, as heretofore established; two dollars and eighty-four cents per head on all slaves: *Provided*, That all lands or slaves in this State, now in possession or under the control of the enemy, and such other lands or slaves as may be taken by the enemy before the return of the said property to the Tax Collector, and also such other lands as shall have been abandoned by the owners in consequence of the action of the military authorities, shall be exempt by the provisions of this Act; six dollars and seventy-five cents on each free negro, mulatto, or mestizo, between the ages of fifteen and fifty years, except such as shall clearly be proved to the satisfaction of the Collector to be incapable, from wounds or otherwise, of procuring a livelihood, and except those who now are, or have at any time been, in the service of the army of this State or of the Confederate States, in the existing war; eighty-eight cents *ad valorem* on every hundred dollars of the value of all lots, lands, and buildings within any city, town, village, or borough of this State: *Provided*, That the tax on lands and buildings in the city of Charleston be assessed on the value of the lands only, where the buildings and improvements on the land have been destroyed by the late conflagration: *And provided, further*, That no tax shall be levied on lots, lands and buildings within any city, town, village, or borough in this State which have passed into the possession or under the control of the enemy, or which may pass into the possession or under the control of the enemy before returns are made to the Tax Collectors; four dollars per hundred dollars on factorage, employments, faculties and professions, including the profession of dentistry, and including herein Clerks of Courts of Common Pleas and General Sessions, Sheriffs, Masters and Commissioners in Equity, Registers in Equity, Registers of Mesne Conveyance, Or-

Lands.

Slaves.

Lots, lands and buildings.

Factorage, employments, and faculties and professions.

dinaries and Coroners, whether, in the profession and employment of law or equity, the profits to be derived from the costs of suit, fees, or other sources of professional income, except clergymen, school masters, school mistresses, and mechanics; four dollars on every hundred dollars on the amount of commissions received by vendue masters and commission merchants; one dollar and sixty cents per hundred dollars on the capital stock paid in on the first of October, one thousand eight hundred and sixty-three, of all banks which for their present charters have not paid a bonus to the State, which said bank tax the stockholder, when he or she resides within the State, shall have the right to pay to the Tax Collector of the District or Parish where such stockholder resides, by paying the same on or before the first day of June next, and forwarding a duplicate receipt of such payment to the President of such bank; and in case any stockholder resides without the State, the tax on the stock of such stockholder shall be paid to the Tax Collector of the District or Parish where the bank is located; three dollars and twenty cents per hundred dollars on the capital stock of any bank of issue not incorporated by this State, paid in on the first day of October, one thousand eight hundred and sixty-three, doing business by agents within the limits of this State; one dollar and sixty cents per hundred dollars on the capital stock of all incorporated gas light companies; one dollar and sixty cents per hundred dollars on the capital stock of all incorporated importing and exporting companies; also, all incorporated and unincorporated express companies; six per centum on all premiums taken in this State by incorporated insurance companies, and by the agencies in this State acting in behalf of insurance companies and underwriters without the limits of this State; eighty-eight cents on every hundred dollars of the amount of sales of goods, wares and merchandise, embracing all articles of trade for sale, barter or exchange, (the products of this State and the unmanufactured products of any of the States of the Confederate States excepted,) which any person shall have made from the first day of January, in the year of our Lord one thousand eight hundred and sixty-three, to the first day of January, in the year of our Lord one thousand eight hundred and sixty-four, either on his, her, or their capital, or borrowed capital, or on account of any person or persons as agent, attorney, or consignee; three dollars and sixty cents upon every hundred dollars of the amount of sales of goods, wares and merchandise whatever, which any transient person not resident in this State shall make in any house, stall, or public place, whether the said sale be made by sample or otherwise; forty dollars a day on all circus exhibitions; twenty dollars per day for representing publicly for gain and reward any play, comedy, tragedy, interlude, or farce, or other employment of the stage, or any part therein, or for exhibiting wax figures, or other shows of any kind whatever, to be paid into the hands of the Clerks of the Courts respectively, who shall be bound to pay the same into the Treasuries of the State of South Carolina, except in cases where the same is now required by law to be paid to corporations or otherwise; four-tenths of one per cent. on all moneys loaned, moneys at interest, all moneys invested in the stocks or bonds of any individual, State, or corporation, other than bonds or stocks of this State or of the

A. D. 1863.

Commissions.

Bank stock.

Gas light, importing, exporting, express and insurance companies.

Goods, wares and merchandise.

Transient merchandise.

Exhibitions.

Moneys invested.

A. D. 1863.

Commercial
agencies.Cards and bil-
liards.

Salaries.

Taxes, to whom
payable.Commissions of
Tax Collectors.Police taxes,
returns of.Returns of free
negroes.Sullivan's Is-
land exemptedTime of collec-
tion extended.

Confederate States, and other than the stocks of the banks and railroad companies of this State; six dollars for every hundred dollars of gross receipts of all commercial agencies within the limits of this State; fifty-two cents on every pack of playing cards sold in this State; sixty dollars upon every billiard table within this State, used to and for the purpose of raising a revenue therefrom; four dollars on the hundred dollars of all salaries, including public officers, except officers of the army and navy, and on all wages, from whatever source derived, except wages of five hundred dollars or less per annum.

II. All taxes levied on property, as prescribed in the first Section of this Act, shall be paid to the Tax Collector for the tax district in which said property is located: *Provided*, That where negroes have been removed from any District or Parish, by reason of the dangers arising from the invasion or occupation thereof by the enemy, it shall be lawful to pay the taxes upon the same to the Tax Collectors of the Districts or Parishes from which said negroes were removed. That all taxes levied on property in this State, during the continuance of the war between the Confederate and the United States of America, may be paid in Confederate notes or other current funds. The commissions to be received by the various Tax Collectors of this State for the year commencing on the first day of October, one thousand eight hundred and sixty-three, shall be at the rate of thirty per centum of the commissions now allowed them by law, except such Districts and Parishes as pay an amount less than eight hundred dollars to the Collector.

III. The Tax Collectors in the several Districts and Parishes in this State, in their returns hereafter to be made, are hereby required and enjoined to state the precise amounts of taxes collected by them for supporting the police of the said several Districts and Parishes aforesaid, stating the rates per centum on the amounts of the State tax collected for said District and Parish police purposes, and the total amount of commissions received by each and every of such Tax Collectors, and the rate per centum of his commissions; and the Comptroller General shall return the same in his report.

IV. Free negroes, mulattoes and mestizoes are hereby required to make their returns and pay their taxes during the month of April; and the Tax Collector of St. Philip's and St. Michael's is allowed until the month of June to receive the taxes of white persons.

V. The lots and houses on Sullivan's Island shall be freed from taxation during the existing war between the Confederate and the United States of America, the same being used by the troops of the Confederate States, or by the works for defence.

VI. That the Tax Collectors be authorized to extend the time for the receipt, and also for the payment of taxes, and also for the payment thereof into the Treasury of this State, for a period of thirty days beyond the periods therefor, hitherto allowed by law.

In the Senate House, the seventeenth day of December, in the year of our Lord one thousand eight hundred and sixty-three, and in the eighty-eighth year of the sovereignty and independence of the State of South Carolina.

W. D. PORTER, President of the Senate.

A. P. ALDRICH, Speaker House of Representatives.

AN ACT TO MAKE APPROPRIATIONS FOR THE YEAR COMMENCING
IN OCTOBER, ONE THOUSAND EIGHT HUNDRED AND SIXTY-
THREE.

A. D. 1863.

No. 4668.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the following sums be, and they are hereby, appropriated for the payment of the various officers and expenses of the State Government, that is to say: In the Executive Department: For the salary of the Governor, three thousand five hundred dollars; for the Private Secretary of the Governor, fifteen hundred dollars; for the rent of the Governor's house, in Columbia, twelve hundred dollars; for the Messenger of the Governor, two hundred and fifty dollars; for the Contingent Fund of the Executive Department, ten thousand dollars, to be subject to the draft of the Governor, and to be accounted for, annually, by him to the Legislature.

Executive department.

II. In the Legislative Department: For the pay of the members of the Legislature, and the Attorney General and the Solicitors, during the present session, and of the Committees appointed to inspect the Bank of the State and its branches, twenty-five thousand dollars, if so much be necessary; for the salaries of the Clerks of the Senate and House of Representatives, twenty-four hundred dollars; and to the said Clerks for the services of two Assistant Clerks, two hundred and fifty dollars for the Clerk of the Senate, and two hundred and fifty dollars for the Clerk of the House; for the salaries of two Messengers and two Doorkeepers, each two hundred and fifty dollars; for C. M. Gray, Doorkeeper of the House of Representatives, fifty dollars, being the additional pay allowed him by resolution for his services; for additional pay to the Doorkeeper of the Senate, J. D. Gaillard, fifty dollars, allowed him by resolution for his services, to be paid at the adjournment of the Legislature; for the salary of the Keeper of the State House and Librarian, seven hundred dollars; for the salaries of the Reading Clerks of the Senate and House of Representatives, each two hundred and fifty dollars; for J. C. Kennedy, Reading Clerk of the Senate, fifty dollars additional pay, as agreed to by resolution; for extra services of the Messenger of the Senate, and for extra services of the Messenger of the House, each fifty dollars, to be paid at the end of the session; for the services of the Engrossing Clerks, to be paid under the direction of the President of the Senate and of the Speaker of the House of Representatives, six hundred dollars; for the Printers of the Senate and House of Representatives, in pursuance of the contracts made by the Committees of both Houses, fourteen thousand dollars, if so much be necessary, for the printing executed by the said Printers during the present session of the Legislature, the same to be paid to them as soon as the amounts of said contracts shall be ascertained by the Treasurer of the Upper Division; for the Printer, for printing in pamphlet form the Acts and Journals of both Houses, Reports and Resolutions agreed to, the Governor's Messages, Reports of the President of the Bank and Comptroller General, with the accompanying documents, thirteen thousand dollars, if so much be necessary: *Provided*, The

Legislative department.

A. D. 1863.

number of copies specified in the proposals of the Printers, as accepted by the Legislature, shall be printed and deposited in the office of the Treasury of the Upper Division before the 20th of April next, and the amount to be paid according to the proposals, which shall be ascertained by the Treasurer aforesaid: *And, further provided*, That the printer of Acts and Journals do publish, in his newspaper, at Columbia, all the public Acts which may be passed at the present session, within twenty days after the adjournment of the Legislature, and forward, by mail, to each member of the General Assembly, each of the Judges, Attorney General, and each of the Solicitors, a copy of such newspaper, as soon as such newspaper is issued; to Charles P. Pelham, printer of the Permanent Work, to pay him the balance due for public printing, eight thousand dollars, if so much be necessary; four hundred and fifty dollars, if so much be necessary, for the printing of the Senate, at the extra session; to the Keeper of the State House, for contingent expenses during the present session of the Legislature, twelve hundred dollars, if so much be necessary, to be accounted for by him at the Treasury, and reported by the Treasurer to the General Assembly; for stationery, fuel, distributing Acts, and expenses for election returns, seven thousand dollars, if so much be necessary.

Judiciary department.

III. In the Judiciary Department: For the salary of the Chief Justice, three thousand five hundred dollars; for the salaries of the Judges and Chancellors, three thousand dollars each; for the salary of the Attorney General, eleven hundred dollars; for the salaries of five Solicitors, nine hundred dollars each; for the Clerk of the Court of Appeals, in Columbia, six hundred dollars; for the salary of the Messenger of the said Court, at Columbia, two hundred dollars: *Provided*, It shall be the duty of the said Messenger to summon all members of the bar, who are members of the Legislature, when their cases may be called for trial; for the salary of the Librarian of the Court of Appeals, in Columbia, two hundred dollars, the same to include the expenses of fuel for the Court of Appeals and for the Library; for the salary of the Clerk of the Court of Appeals, in Charleston, six hundred dollars; for the salary of the Messenger of the said Court, two hundred dollars; for the salary of the Librarian of the Court of Appeals, in Charleston, two hundred dollars, to include the expense of fuel for the Court of Appeals and for the Library; for the salary of the State Reporter, fifteen hundred dollars; and the several appropriations aforesaid, for the Clerks, Librarians, Messengers, Reporter, and for the incidental expenses of the Court of Appeals, shall be paid by the Treasurer, only upon warrant to be drawn by the presiding Judge of the Court of Appeals, at such times and for such portions as they may deem just and proper; and it shall be the duty of the said Reporter to attend in person, or by deputy, the sittings of the Courts of Appeals and Errors, in Columbia and Charleston, and to report such arguments and statements of facts as may be necessary to a correct understanding of the decisions of the said Courts: *Provided*, That the Judges of the Court of Appeals may, if they think proper, announce the results of their decisions at certain stated periods before filing their opinions: *And, further provided*, That the said Reporter shall publish in one or more of the news-

papers at Columbia, an abstract of the principles decided by the Court of Appeals in its opinions, as soon as practicable after the delivery of the same; for the pay of the Jurors and Constables, ten thousand dollars, if so much be necessary, the certificates to be paid at either Treasury.

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IV. In the Treasury Department: For the salary of the Comptroller General, two thousand dollars; for the salary of the Clerk of the Comptroller General, one thousand dollars, the said Clerk to be appointed and removed at the pleasure of the Comptroller General; for the salary of the Treasurer of the Lower Division, and for Clerk hire, two thousand dollars; for the salary of the Treasurer of the Upper Division, and for clerk hire, sixteen hundred dollars; for the Assessor of St. Philip's and St. Michael's, for making out and affixing assessments of each return, one thousand dollars; for the services of the Comptroller General, for copying tax-books, two hundred dollars; and for additional compensation to the Treasurer of the Lower Division, for the performance of the additional duties imposed upon him by an Act entitled "An Act to authorize the issue of certificates of stock to provide for the military defense of the State," ratified the twenty-second day of December, in the year of our Lord one thousand eight hundred and sixty, four hundred dollars; for printing and distributing tax returns, seventeen hundred dollars.

Treasury department.

V. For the Ordinary Civil Expenses: For the payment of the Contingent Accounts of the Upper Division, eight thousand five hundred dollars, if so much be necessary; for the payment of the Contingent Accounts of the Lower Division, eighteen thousand dollars, if so much be necessary; for the payment of annuities and pensions, six hundred dollars, if so much be necessary; for the payment of such claims as shall be admitted by the Legislature at its present session, two hundred and fifty thousand dollars, if so much be necessary; for the support of Free Schools, seventy-four thousand and four hundred dollars, if so much be necessary, to be distributed among the several election districts in the State, in the proportion of six hundred dollars to each Representative in the popular branch of the Legislature; for the support of paupers at the Lunatic Asylum, seventy-five thousand dollars, if so much be necessary; that the sum of twelve thousand and ninety-three dollars and ninety-three cents be appropriated to meet the last year's deficiency for the support of paupers at the Lunatic Asylum, the same to be paid as other appropriations for that Institution to the draft of the Chairman of the Board of Regents; for the education of the Deaf and Dumb, and of the Blind, sixteen thousand dollars, if so much be necessary, to be paid to the Commissioners in the same manner as the appropriation heretofore made; for refunding taxes, as directed by the reports of the Committees of Ways and Means, and of Finance and Banks, agreed to by the Legislature, one thousand dollars, if so much be necessary; for compensation for slaves executed, five thousand dollars, if so much be necessary; for the payment of the interest on two millions one hundred and fifty thousand five hundred and ninety dollars of bonds and stocks issued for the construction of the new State Capitol, one hundred and thirty-five thousand and sixty-seven dollars; for the payment of the interest

Ordinary civil expenses.

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on three hundred and ten thousand dollars of the bonds of the State issued under an Act entitled "An Act to grant aid to the Blue Ridge Railroad," ratified the twenty-second day of December, in the year of our Lord one thousand eight hundred and fifty-nine, eighteen thousand six hundred dollars; for the payment of the interest on the balance of four hundred thousand dollars of bonds of the State, issued for the military defence of the State, twelve thousand dollars; for the payment of the interest on three hundred and ninety-one thousand one hundred and fifty dollars, issued for the military defence of the State, twenty-five thousand three hundred and eighty dollars fifty cents; for the payment of the interest on one million five hundred and fourteen thousand seven hundred and ten dollars of the bonds and stock authorized to be issued for the military defence of the State, one hundred and six thousand and twenty-nine dollars seventy cents.

Military ex-
penditures.

VI. For Military Expenditures: For the salaries of the following officers, viz: Adjutant and Inspector General, twenty-five thousand dollars; Arsenal Keeper in Charleston, one thousand dollar; Arsenal Keeper and Powder Receiver at Columbia, at the rate of four hundred dollars per annum; Physician of the Jail and Physician of the Magazine Guard, at Charleston, each five hundred dollars; to T. R. Aldrich, Physician of the Jail at Charleston, two hundred and fifty dollars, to reimburse him for moneys spent for the purchase of medicine for prisoners in said jail; and for the support of the Military Academies at Charleston and Columbia, seventy-three thousand two hundred dollars, if so much be necessary; and the said Military Academies shall be under the direction of the Board of Visitors: *Provided*, That each District shall be entitled to send to said Academies a number of beneficiaries equal to its representation in the House of Representatives, or in that proportion, as far as the appropriation for the school may allow; the sum of twenty-three thousand three hundred and seventy-one dollars and fifty-seven cents to cover the excess on the expenditures for the Academies during the past year; for the salary of the Clerk of the Adjutant and Inspector General, one thousand and eighty dollars; for the services of the Secretary of State, during the current year, for all service in issuing all military commissions, and in lieu of any charge against the State for commissions of all civil officers, eight hundred dollars, to be paid as other salaries directed by law; for the salary of the Ordnance Officer, twenty-three hundred dollars, to be paid upon the draft of the said Ordnance Officer, said salary to be paid quarterly; to defray the expenses attendant upon the military defence of the State, three hundred thousand dollars, to be paid upon the draft of His Excellency the Governor, and that His Excellency the Governor be also authorized to expend, or see expended, under his direction, the balances now in the hands of the Departmental Officers and at the Executive credit from the appropriation of the last year, and that an account thereof be rendered to the next regular session of this General Assembly.

Ordinary local
expenditures.

VII. For Ordinary Local Expenditures: For the support of the transient poor of Charleston, seven thousand dollars, to be paid to the City Council of Charleston, and accounted for by them to the Legislature; for the salary of the Port Physician, including boat

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hire and other incidental expenses, twelve hundred dollars; for the execution of the quarantine laws at Charleston, one thousand dollars, if so much be necessary, to be paid the City Council of Charleston, and expended under their direction; for the salary of the Superintendent of the Fire-proof Building in Charleston, during the present year, one hundred dollars; for the support of the transient poor of Georgetown, seventy-seven dollars eighteen cents, and also the balance reported by the Commissioners as remaining in their hands, the two sums amounting to three hundred dollars, to be paid to, and expended by, the Commissioners of the Poor of Winnyah, to be accounted for by them to the General Assembly; for aiding the support of a Ferry at Elliott's Cut, two hundred dollars, subject to the order of the Commissioner of Roads for St. Andrew's Parish; for maintaining and keeping open the Roper Hospital, in Charleston, three thousand dollars, to be paid to the Medical Society, in trust for the Roper Fund, to defray the expenses of the said Hospital; for the support of the Catawba Indians, twelve hundred dollars, if so much be necessary.

VIII. For Extraordinary Expenditures: For the support of the transient poor of Columbia, two thousand dollars, to be paid to the City Council of Columbia, and accounted for by them to the General Assembly; for the Marine School of Charleston, seven thousand dollars, to be paid to the Charleston Port Society, upon the draft of the President, countersigned by the Secretary; the sum of twelve hundred dollars, to be paid to William B. Johnston, to be paid as the salaries of other officers of the State are paid by law, for recording the names of those who have fallen in the war, either by disease or wounds, and he shall report at the next regular session of the General Assembly; to James Tupper, Esq., Auditor, three thousand dollars, to be paid to him as are the salaries of other officers, and also such amount as shall be necessary to defray his expenses for stationery, in addition to his salary; for the construction or purchase of machines for manufacturing cotton cards, subject to the draft of the Governor, twenty thousand dollars; for the Central Association for the Relief of South Carolina Soldiers, the sum of five hundred thousand dollars, if so much be necessary, to be paid upon the draft of their Chairman, countersigned by their Treasurer, to be expended in purchasing and forwarding to our soldiers shoes, blankets, clothing and other articles of necessity, and that the said Association do account therefor quarterly before the State Auditor; for the relief of the families of soldiers, the sum of five hundred thousand dollars, to be paid to the respective Boards, to be distributed in proportion to the number of persons to be relieved, and that the said Boards do make, respectively, an annual report, on the 1st day of November in each year, to the State Auditor, to be by that officer consolidated and reported to the next succeeding Legislature; the sum of five thousand dollars, to be paid to George W. Morse, on his own draft, as compensation for the use of his patents in constructing the breech-loading carbine, and his other inventions for the improvement of fire-arms, to be paid as the one thousand breech-loading carbines, now being manufactured at the State works, are completed, at the rate of five dollars for each carbine; for the salary of John R. Niernsee, acting Superintendent

Extraordinary expenditures.

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and Architect of the New State House, three thousand dollars, to be paid as the salaries of other officers; for the purchase of shoes for South Carolina soldiers, the sum of one hundred and seventy-one thousand dollars, if so much be necessary, to be paid on the draft of the Governor.

In the Senate House, the seventeenth day of December, in the year of our Lord one thousand eight hundred and sixty-three, and in the eighty-eighth year of the sovereignty and independence of the State of South Carolina.

WILLIAM D. PORTER, President of the Senate.

A. P. ALDRICH, Speaker House of Representatives.

NO. 4669. AN ACT TO DECLARE AND AMEND THE EXEMPTION LAW OF THIS STATE, AND FOR OTHER PURPOSES.

Ordinance and Acts ratified at stated periods defined to apply to State troops.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That an Ordinance of the Convention of the People of the State of South Carolina entitled "An Ordinance to exempt overseers from the performance of Military duty," passed the second day of January, Anno Domini eighteen hundred and sixty-two, the fourth Section of an Act of the General Assembly entitled "An Act for the better organization of the Militia, and for other purposes," ratified the 6th day of February, Anno Domini eighteen hundred and sixty-three, and the ninth Section of an Act of the General Assembly entitled "An Act to provide for Volunteer Companies of Mounted Infantry, and for other purposes," ratified the thirtieth day of September, Anno Domini eighteen hundred and sixty-three, be, and the same are hereby, declared to apply to troops called into service under the militia organization of this State, and to any other military force raised by the State under the laws thereof, and not to troops raised by the laws of the Confederate States of America.

Act for better organization of Militia amended, defining exemptions.

II. That the provisions of the fourth Section of an Act of the General Assembly entitled "An Act for the better organization of the militia, and for other purposes," ratified on the 6th day of February, Anno Domini eighteen hundred and sixty three, exempting from military service apothecaries, schoolmasters, keepers of ferries, toll bridges and toll grain mills, all persons belonging to the Boards of Relief of Soldiers' Families, the officers and employees of railroad companies, persons engaged in the manufacture of arms, munitions of war, and army supplies, and persons engaged in the manufacture of salt, be altered and amended so as to exempt from the military service therein provided for, and as declared by this Act, one apothecary to each regularly established drug store which was in operation at the commencement of the war; all schoolmasters over the age of forty years, and now having under their charge not

less than twenty scholars; one white man over the age of forty-five years to each established ferry, toll bridge or toll grain mill, if actually kept by such white man; all persons belonging to Boards of Relief of Soldiers' Families, over the age of forty-five, or if exempted by reason of physical infirmity from Confederate conscription; the officers and as many employees of each railroad company as the President or Superintendent may certify and show to the satisfaction of the Adjutant and Inspector General to be necessary to the efficient conduct of its business, and that the duties of said employees cannot be discharged by slaves or free persons of color; all persons employed by the State or the Confederate Government in the manufacture of arms, munitions of war and army supplies, or by contractors to furnish the same to the State or Confederate Government: *Provided*, It be shown to the satisfaction of the Adjutant and Inspector General that the public interest and military defences require the exemption of such persons; one superintendent or manager to each salt work on the sea coast: *Provided*, Such work yields ten bushels of salt per day, and has been in operation at least two months previous to being called into service, and that all exemptions of such persons heretofore granted contrary to the provisions of this Act be, and the same are hereby, revoked.

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III. That whenever the Governor, for the time being, shall, by orders published in the newspapers of the State, call upon any portion of the militia to appear before the enrolling officers of the State, or any militia officer, and claim exemption from military service under the laws of the State, all persons who shall fail to appear and present their claims in pursuance of said orders shall be held liable to forfeit their right to exemption, at the discretion of the Governor: *Provided*, The said order shall be published for forty days.

Persons
claiming ex-
emptions liable
to forfeit right.

IV. That the enrolling officers provided for by an Act of the General Assembly entitled "An Act to provide for volunteer companies of mounted infantry, and for other purposes," ratified on the thirteenth day of September, in the year of our Lord one thousand eight hundred and sixty-three, in addition to the enrollment therein required to be made by them, shall also be required to enroll any other portion of the militia who are liable to actual service by the provisions of an Act of the General Assembly entitled "An Act for the better organization of the militia, and for other purposes," ratified the sixth day of February, in the year of our Lord one thousand eight hundred and sixty-three, and that the Adjutant and Inspector General be, and he is hereby, authorized to establish rules and regulations, to be approved by the Governor, prescribing the duties of the enrolling officers and surgeons.

Additional
enrollment of
Militia.

V. That from and after the passing of this Act no person shall be accepted as a substitute in State military service.

Rules and
regulations to
be established.

Substitutes.

In the Senate House, the seventeenth day of December, in the year of our Lord one thousand eight hundred and sixty-three, and in the eighty-eighth year of the sovereignty and independence of the State of South Carolina.

WILLIAM D. PORTER, President of the Senate.
A. P. ALDRICH, Speaker House of Representatives.

A. D. 1863.

No. 4670.

AN ACT TO EXTEND AN ACT ENTITLED "AN ACT TO EXTEND SOME OF THE PROVISIONS OF AN ACT ENTITLED 'AN ACT IN REFERENCE TO THE SUSPENSION OF SPECIE PAYMENTS BY THE BANKS OF THIS STATE, AND FOR OTHER PURPOSES,' TO THE FIRST DAY OF JANUARY, IN THE YEAR OF OUR LORD ONE THOUSAND EIGHT HUNDRED AND SIXTY-FOUR."

Act re-enacted
and continued
of force.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That an Act entitled "An Act to extend some of the provisions of an Act entitled 'An Act in reference to the suspension of specie payments by the banks of this State, and for other purposes,' to the first day of January, in the year of our Lord one thousand eight hundred and sixty-four," ratified on the sixth day of February, in the year of our Lord one thousand eight hundred and sixty-three, be, and the same is hereby, re-enacted and continued of force until the close of the war between the Confederate States and the United States of America, and for one year thereafter.

Provision for
paying gold or
silver coin.

II. The provisions of this Act shall not be held to apply to any bank which, during the operation of the Act, shall declare or pay a dividend to its stockholders in gold or silver coin, or shall sell or dispose of its gold or silver coin, except to the State or Confederate States.

In the Senate House, the seventeenth day of December, in the year of our Lord one thousand eight hundred and sixty-three, and in the eighty-eighth year of the sovereignty and independence of the State of South Carolina.

WILLIAM D. PORTER, President of the Senate.

A. P. ALDRICH, Speaker House of Representatives.

No. 4671. AN ACT TO MAKE PROVISION FOR THE SUPPORT OF THE FAMILIES OF SOLDIERS FROM THIS STATE IN THE CONFEDERATE AND STATE SERVICE.

Producer to
pay tax in
kind.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That a tax in kind of two per cent. shall be paid by the producer in any District or Parish, when required by the Board of Relief thereof: *Provided*, That the producer of wheat have leave to substitute forty pounds of flour in place of each bushel of wheat, on the gross amount of all rice, corn and wheat raised and grown in this State, and all toll made by the owners of toll grain mills during the year one thousand eight hundred and sixty-three; also a tax in kind of five per cent. upon the gross products during the year one thousand eight hundred and sixty-three, of all manufactures within this State, including cotton yarns, leather and salt, except such articles as may be manufactured by any person for his or her own use, and not for sale or barter, which said tax shall be collected and paid in the manner hereinafter prescribed.

Manufacturer
to pay tax in
kind.

II. That the several Soldiers' Boards of Relief, to consist of not less than three, nor more than twenty-four, and to be appointed as heretofore prescribed by law, shall divide their respective Districts or Parishes into sections equal to their own number, and assign to each Commissioner one of said sections. That for the purpose of ascertaining and collecting the tax in kind, of rice, corn and wheat, the said Commissioners shall adopt, as the basis upon which they are to assess said tax, the gross amount each producer has or may return for the year one thousand eight hundred and sixty-three, to the Confederate Assessor, for the tax in kind of the Confederate States, thereby exempting those who are not liable to said tax under the Act of the Confederate Congress. And, for the purpose of collecting said tax, each Commissioner is hereby authorized to draw his order for said tax on any producer within the section assigned him, to be delivered to such person or persons as may be named, and in such proportion as may be just and proper—the order to be the voucher for the payment; and in such Districts as may have an excess of provisions under this bill, such excess shall be delivered at such time and place as the Commissioner shall order, after ten days' notice, for the purpose of being transported to other portions of the State: *Provided*, That no person shall be required to deliver his produce at a distance exceeding eight miles from the place of production. And in the event that any person, so liable, shall fail or refuse to deliver the amount of said tax within the time prescribed, on the order of the Commissioner, the Commissioner in charge, or some person for him, shall give information thereof on oath, to the Chairman of the Board, who, on receipt of such information, is hereby authorized to issue an execution against the delinquent, directed to the Sheriff of the District, requiring him to levy and seize double the amount of the articles in kind for which he was liable, if to be found, and, if not, then to levy and collect of his goods and chattels three times the amount of the value of such tax in kind, according to the value fixed by the Confederate Commissioners for this State for articles of a like kind; the cost of the proceedings to be paid by the defaulter, to be regulated by the fee bills for Sheriff's costs, in cases of execution issued from the Courts of law. And if any tax payer shall satisfy the Collector that prior to the ratification of this Act he, the said tax payer, has consumed, or saved, or sold the whole quantity of wheat which he may have raised during the current calendar year, either by his own oath, or by the testimony of others, then the said tax payer shall and may pay his wheat tax by substituting corn therefor, at the rate of one bushel of corn for one bushel of wheat, by measure.

III. That for the purpose of ascertaining and collecting the tax in kind on manufactured goods, mentioned in the first Section of this Act, the said several Boards of Relief, in Districts in which such manufactories may be situated, shall require the owner or owners, or person or persons in charge of such manufactories, to deliver to said Board, on or before the first of February next, five per cent. in kind of all goods mentioned in the said first Section, manufactured or produced at their respective establishments during the year one thousand eight hundred and sixty-three; the amount,

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Duties of
Boards of Re-
lief, &c.

Boards of
Relief to re-
quire owners of
manufactories
to deliver per
centage in
kind, and re-
port to Comp-
troller General.

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Penalty for
failure or re-
fusal to make
return.

kind and quality of each to be reported by such Board, when received, to the Comptroller General, and the said Board shall hold the same, subject to a distribution amongst the several Boards, to be made by the said Comptroller General, under the supervision of the Governor, in proportion to the number of persons of soldiers' families; and said distribution shall be made as soon after the said first day of February as may be practicable. In the event that any manufacturer or manufacturing company, tanner or maker of salt, or other articles mentioned in said first Section, shall fail or refuse to make return on oath, (which said oath either of said Commissioners is hereby authorized to administer,) on or before the said first day of February next, of the amount, kind and quality of all articles mentioned in said first Section, manufactured or produced by him or them during the year one thousand eight hundred and sixty-three, and to pay the tax in kind thereon as above required, it shall be the duty of the Chairman of said Board, and he is hereby authorized and empowered, to issue his warrant, after ten days' notice, for the arrest and detention of such tanner, manufacturer or manufacturers, or person or persons in charge of such manufactory or tannery, until he or they shall have made the returns above required, and paid the tax in kind as hereinbefore directed.

Amount of
provisions to
be furnished
each individual.

IV. That the amount of corn, rice and wheat to be furnished to each individual entitled to relief in the aggregate, shall not exceed the rate of ten bushels per annum, to be furnished in such proportions as the Commissioners may find to be most expedient; and with the view of attaining equality, as near as practicable, each Board of Commissioners shall prepare a special return to the Comptroller General, on or before the first day of February next, setting forth how many persons within their respective Districts or Parishes are provided for, and what amount of produce of each kind has been received or they are entitled to; and it shall be the duty of the Comptroller General, on receipt of said returns, to make a tabular statement, showing the number to be provided for, the amount received by each Board, and the distributive share to which the total quantity of grain and other supplies received will entitle such individual to be provided for as aforesaid; and the Comptroller General is hereby authorized, with the approval of the Governor, to issue requisitions upon those Boards having an excess over the average supply, and in favor of those Boards whose supply is deficient, and the Board in favor of whom the requisition is made shall pay the costs of transportation.

Comptroller
General to
make tabular
statement, &c.

Chairman and
Treasurer of
Boards liable
for failure to
make return.

V. That the Chairman and Treasurer of any Board who shall fail to make a return conformably to the preceding Section shall each be liable to a fine of two hundred dollars, to be recovered by indictment.

Appropriation
for relief.

VI. That the sum of five hundred thousand dollars be, and the same is hereby, appropriated to be distributed in proportion to the number of persons to be relieved amongst the several Boards of Relief of this State, as is prescribed in the Act ratified the eighteenth day of December, in the year one thousand eight hundred and sixty-two, entitled "An Act to make appropriations in aid of the families of soldiers," and to repeal an Act entitled "An Act to afford aid to the families of soldiers," and the said Board will con-

form to the provisions of said Act, and be subject to its direction, in every particular, except as hereinbefore provided.

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In the Senate House, the seventeenth day of December, in the year of our Lord one thousand eight hundred and sixty-three, and in the eighty-eighth year of the sovereignty and independence of the State of South Carolina:

W. D. PORTER, President of the Senate.

A. P. ALDRICH, Speaker House of Representatives.

AN ACT TO PROCURE SUPPLIES AND FURNISH THE IMPLEMENTS OF AGRICULTURAL AND MANUFACTURING INDUSTRY FOR THE SOLDIERS AND PEOPLE OF THE STATE, BY A UNION OF THE STATE WITH THE IMPORTING AND EXPORTING COMPANY OF SOUTH CAROLINA. No. 4672.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the President of the Bank of the State of South Carolina, and the Comptroller General, be, and are hereby, authorized and directed to have prepared and issued, in the name and on the part and behalf of the State, not exceeding one million of dollars, either in stocks or bonds, or both, bearing interest at the rate of six per centum per annum payable semi-annually at the State Treasury, (the sale of said stocks or bonds, or both, to be made by the President of said Bank of the State of South Carolina, at such times and in such manner as may be necessary); and the said President to account annually to the General Assembly for the proceeds and expenditure of the same, for the purpose of procuring supplies for soldiers and soldiers' families, and providing the implements of agricultural and manufacturing industry, by a union of the State with the Importing and Exporting Company of South Carolina, incorporated the eighteenth day of December, one thousand eight hundred and sixty-two, in the ownership and purchase of ships, and in importing and exporting mercantile adventures, on the following terms:

President of Bank of State and Comptroller General to issue stock or bonds, &c.

1. The State to become one-fourth part owner of the ships now owned or hereafter to be constructed or procured by the said company, paying for the same such sums or prices as the Governor and the President of the Bank of the State of South Carolina shall approve.

State to be part owner of ships, &c.

2. The State to have the right, as one-fourth owner in said ships, to export such amount of cotton or other produce, on her own account, not exceeding one-fourth of each cargo, and to import such supplies as in the judgment and discretion of the Governor of the State may be deemed most advisable to meet the wants of the soldiers and citizens of the State, the State paying the customary freight.

State to have right to export and import.

3. The State to share in the general mercantile adventures of the said company, and earnings of the said ships, to the extent of

State to share in mercantile adventures.

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one fourth, as she shall pay for, and acquire part ownership in the said ships, respectively, she bearing her proportion of expenses and losses; but in no event to be liable to losses to a greater extent than her interest in the said ships and cargoes and unpaid dividends.

Responsibility
of State, when
to commence.

4 The ownership and interest of the State in the said ships and their earnings, respectively, to commence from the time that she shall pay for her interest therein, respectively, by shipment of cotton or otherwise, as shall be arranged by and between the President and Directors of the said company, and the said President of the Bank of the State of South Carolina.

Company to
make annual
reports.

5. The said company to make annual reports and returns of their condition and transactions to the Comptroller General, as railroad companies are now required to do by law.

Representation
of stock.

6. The said President of the Bank of the State of South Carolina to represent the stock of the State in the said company, and to have the right, from time to time, to inspect the books and become acquainted with the transactions of the said company, and to account annually to the General Assembly for his receipts and disbursements, on account of the connection of the State with the said company.

State to have
right to ship
forthwith.

7. The State to have the right forthwith to ship cotton and receive return cargoes in any of the ships of the said company.

Stock re-
deemable.

8. The said stock or bonds to be redeemable in twenty-one years from the date of the issue of the same.

In the Senate House, the seventeenth day of December, in the year of our Lord one thousand eight hundred and sixty-three, and in the eighty-eighth year of the sovereignty and independence of the State of South Carolina.

W. D. PORTER, President of the Senate,
A. P. ALDRICH, Speaker House of Representatives.

No. 4673. AN ACT TO AMEND THE ACT IN RELATION TO THE SUPPLY OF LABOR FOR THE MILITARY DEFENSE OF THE STATE, PASSED IN SEPTEMBER, IN THE YEAR OF OUR LORD ONE THOUSAND EIGHT HUNDRED AND SIXTY-THREE.

Commis-
sioners of
Roads and
other authori-
ties to furnish
correct returns,
&c.

I. *Be it enacted* by the Senate and House of Representatives now met and sitting in General Assembly, and by the authority of the same, That it shall be the duty of the Commissioners of Roads, and the authorities of incorporated cities, towns and villages, to furnish to the State Agent, within thirty days after the passage of this Act, a full and correct return of all hands liable to road duty within their respective jurisdictions. And that it shall also be the duty of the said Commissioners and authorities of incorporated cities, towns and villages, upon being duly notified by the said Agent, thirty days before, of any call for slave labor under the provisions of this Act, to extend the proper summons to all owners liable to such call within their jurisdictions, warning them to have the hands so liable

Further duties
of Commission-
ers, &c.

at the respective depots, and at the proper time. And if upon the day and at the place so notified any owner of slaves so liable shall fail to have said hands in readiness, then the State Agent shall furnish the Sheriff of the District in which said slaves reside with a list of defaulters, and it shall be the duty of the Sheriff immediately to arrest such slaves, and deliver them to the State Agent, at such place in the District as he may appoint, the cost of such arrest and transportation to be paid by the defaulting owner. And when there is such neglect, failure or refusal to send slaves, after due summons to the owners by the Commissioners, and the said slaves are taken by the Sheriff, the slaves of such defaulters shall labor and serve on the military defences for twice the period of time specified in the call made by the State Agent: *Provided*, That the slaves thus furnished shall not be detailed for any other service than for such work as is intimately connected with the defence of the State.

A. D. 1863.

Liability of
defaulting
owners of
slaves.

II. That all Acts and parts of Acts inconsistent with the provisions of this Act are hereby repealed; but the fines and penalties therein contained shall not be inflicted on owners of slaves for future defaults under this Act. But this repeal shall not be construed to affect or excuse any former default, or to stop any prosecutions which may have been commenced against any defaulters under any of the Acts, or parts of Acts, hereby repealed. That the slaves furnished under this Act shall be delivered punctually to the owners at the expiration of their term of service, and in the event of any delay in such return, the Governor is hereby authorized and directed to demand of the commanding General that the said slaves be immediately returned, unless, in the opinion of the Governor, a peculiar emergency demands a further detention.

Repeal of
previous enact-
ments, &c.

Slaves to be
delivered
punctually
after term of
service.

In the Senate House, the seventeenth day of December, in the year of our Lord one thousand eight hundred and sixty three, and in the eighty-eighth year of the sovereignty and independence of the State of South Carolina.

WILLIAM D. PORTER, President of the Senate.

A. P. ALDRICH, Speaker House of Representatives.

AN ACT TO AMEND AN ACT ENTITLED "AN ACT TO SUPPRESS THE DISTILLATION OF SPIRITUOUS LIQUORS IN THIS STATE." No. 4674.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the second Section of an Act entitled "An Act to suppress the Distillation of Spirituous Liquors in this State," ratified the tenth day of April, in the year of our Lord one thousand eight hundred and sixty-three, be altered and amended so as to authorize and empower His Excellency the Governor to contract with a skilled and responsible agent, in each of the Judicial Districts of this

Second Sec-
tion of Act
altered and
amended.

A. D. 1863.

Agents appointed to manufacture.

State, to manufacture a limited quantity of pure spirits at a limited and reasonable price, not to exceed three dollars per gallon, strictly for medical purposes: *Provided*, That said spirits shall not be sold to any but regularly practicing physicians and registered druggists in this State. The amount sold to each physician and druggist not to exceed fifty gallons of whisky and five gallons of pure alcohol per annum, to be used strictly for medicinal purposes.

Agents to enter into bond.

II. That the agent thus appointed shall enter into a bond of ten thousand dollars, with two or more good sureties, to be approved by the Commissioners to approve securities before the Clerk of the Court of the District in which he resides, conditioned that the spirits to be manufactured by him shall be pure, and shall be delivered within the time limited; that he will distill no more than is mentioned in his contract; and that he will turn over all that he may distill, as directed by the Governor; which bond, if forfeited, may be estreated as other recognizances in the Court of Sessions. And shall also take and subscribe an oath before the Clerk of the Court, to be filed in his office, that he will faithfully comply with the terms of his contract; that he will distill no more, nor dispose of any portion of that distilled, otherwise than is mentioned in his said contract, upon which oath, if violated, perjury may be assigned in the Court of Sessions.

Acts inconsistent with this Act repealed.

III. That all Acts and parts of Acts inconsistent with this Act be, and the same are hereby, repealed: *Provided*, That such repeal shall not be construed to bar any prosecutions already instituted, or which may hereafter be instituted, for violations of the provisions of any of said Acts.

In the Senate House, the seventeenth day of December, in the year of our Lord one thousand eight hundred and sixty-three, and in the eighty-eighth year of the sovereignty and independence of the State of South Carolina.

WILLIAM D. PORTER, President of the Senate.

A. P. ALDRICH, Speaker House of Representatives.

No. 4675. AN ACT TO CONTINUE IN FORCE AN ACT ENTITLED "AN ACT TO EXTEND RELIEF TO DEBTORS, AND TO PREVENT THE SACRIFICE OF PROPERTY AT PUBLIC SALES."

Continued of force till adjournment of next General Assembly.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That an Act entitled "An Act to extend relief to debtors, and to prevent the sacrifice of property at public sales," ratified on the twenty-first day of December, in the year of our Lord one thousand eight hundred and sixty-one, and also an Act to continue in force the aforesaid Act, ratified the sixth day of February, in the year of our Lord one thousand eight hundred and sixty-three, be, and the same are hereby, continued of force until the adjournment

of the next session of the General Assembly of this State: *Provided*, That nothing contained in the said Acts shall apply to stay the collection of any fine or fines imposed, or to be imposed, by any Board of Commissioners of Roads for default of work on the respective roads in charge of said Boards, or for default of work of road hands under the call of the proper authorities on the public defences.

A. D. 1863.

Provision for
fines for de-
fault of work
on roads.

In the Senate House, the seventeenth day of December, in the year of our Lord one thousand eight hundred and sixty-three, and in the eighty-eighth year of the sovereignty and independence of the State of South Carolina.

WILLIAM D. PORTER, President of the Senate.
A. P. ALDRICH, Speaker House of Representatives.

AN ACT TO CONTINUE IN FORCE THE LAWS HERETOFORE EN- No. 4676.
ACTED IN RELATION TO THE CULTIVATION OF COTTON.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That an Act entitled "An Act to prevent and punish the planting and cultivating, in this State, over a certain quantity of cotton during the present year," ratified on the sixth day of February, in the year of our Lord one thousand eight hundred and sixty-three; and also an Act entitled "An Act to amend an Act entitled an Act to prevent and punish the planting and cultivating in this State, over a certain quantity of cotton during the present year," ratified on the tenth day of April, in the year of our Lord one thousand eight hundred and sixty-three, be, and the same are hereby, re-enacted and made of force until the close of the war between the Confederate States and United States of America.

Acts re-en-
acted and made
of force.

In the Senate House, the seventeenth day of December, in the year of our Lord one thousand eight hundred and sixty-three, and in the eighty-eighth year of the sovereignty and independence of the State of South Carolina.

WILLIAM D. PORTER, President of the Senate.
A. P. ALDRICH, Speaker House of Representatives.

AN ACT TO AMEND AND RENEW THE CHARTER OF THE COLUM- No. 4677.
BIA AND HAMBURG RAILROAD COMPANY, TO CHANGE THE NAME
THEREOF, AND TO PRODUCE CONFORMITY IN THE CHARTERS
GRANTED TO SAID COMPANY BY THE STATES OF GEORGIA AND
SOUTH CAROLINA.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the Columbia and Hamburg Railroad Company, which

Company in-
corporated.

A. D. 1863.

has been formed under a charter granted by the General Assembly of the State of South Carolina, ratified on the twenty-first day of December, in the year of our Lord one thousand eight hundred and fifty-eight, be, and the same is hereby, incorporated by the name of "The Columbia and Augusta Railroad Company," and all acts and things heretofore done by the stockholders of said company, and by the President and Directors heretofore elected by them, be, and the same are hereby, ratified and made lawful, in as full and ample a manner as if they had been authorized and allowed by the said charter: *Provided*, The same were not in violation of any existing law or laws, or of the Constitution of this State, or of the Confederate States of America. And by the above title, the said stockholders shall have corporate existence in this State, and in the State of Georgia, if incorporated by that State, and shall have perpetual succession of members, may have a common seal, may sue and be sued, may plead and be impleaded, in any Court of law or equity, and may make all such rules, regulations and by-laws as are not inconsistent with the laws or Constitution of this State, the State of Georgia, or the Confederate States: *Provided*, That service of process upon the principal agent of said company, or any Director thereof, shall be deemed and taken to be due and lawful notice of service of process upon the company, so as to bring it before the Court.

Election of
Directors.

II. That the affairs of said company shall be managed and directed by a general Board, to consist of twelve Directors, to be elected by the stockholders from among their number: *Provided*, That if the said company shall be chartered by the State of Georgia, four of the Directors shall be elected from amongst the stockholders residing in that State.

Election by
ballot.

III. That the election of Directors shall be by ballot, and each stockholder, at any general meeting of the company, shall be entitled to one vote upon all shares held by him not more than fifty; to one vote for every five shares upon all shares held by him more than fifty, and not more than one hundred; and upon all shares more than one hundred, to one vote for every ten shares, to be given by the stockholder, in person, or by his proxy, in all elections, and upon all matters to be submitted to the decision of the company; and to constitute a meeting of the stockholders, authorized to make elections, or to decide upon any matter upon which it shall be necessary for the stockholders to act as a company, a majority of all the shares shall be represented by the stockholders themselves, or by his, her or their proxy or proxies, and if a sufficient number do not appear on the day appointed, those who do attend shall have power to adjourn from time to time until a quorum shall be obtained.

Number of
stockholders
necessary to
transact busi-
ness.

Election of
President and
Directors.

IV. That the President of the company shall be elected by the Directors from amongst their number, as the regulations of the company may prescribe, and the stockholders, at each annual meeting, shall elect twelve Directors, who shall continue in office, unless sooner removed, until the next annual meeting after their election, and until their successors shall be elected and shall enter upon their duties; but the President and any of the Directors may at any time be removed, and the vacancy thereby occasioned be

Vacancy by
removal.

filled by a majority of the remaining Directors at any general or called meeting. The President and any five or more Directors shall constitute a Board for the transaction of business, and in case of the absence of the President, from sickness or other cause, six Directors, one of whom shall be appointed to act as President *pro tempore*, shall constitute a Board. In case of a vacancy in the office of President or any Director, from death, removal, resignation or inability, the same may be filled by a majority of the remaining members of the Board, until the next annual meeting.

V. That there shall be annual meetings of the proprietors of the stock, at such times and places as the preceding annual meetings shall have appointed; at such, or at any special meeting, proprietors of stock may attend and vote in person or by proxies, under such regulations as the by-laws shall prescribe.

VI. That if the day of the annual election should pass without any election of Directors, the corporation shall not thereby be dissolved, but it shall be lawful on any other day to hold and make such election in such manner as may be prescribed by the by-laws of the corporation.

VII. That special meetings of the company shall be called whenever twenty members of the company, or more, owning together three hundred shares of stock, shall require it: *Provided*, That public notice shall first be given of the time and place of such meeting, and of the object for which it is called, unless the interest of the company requires that the cause of convening the meeting should not be published: *And provided, also*, That, either in person or by proxy, there shall be present at the meeting a number of persons owning together a majority of the stock.

VIII. That all contracts or agreements authenticated by the President and Secretary of the general or local Board shall be binding on the company, without a seal, or such mode of authentication may be used as the company, by their by-laws, may adopt.

IX. That the company shall have power and may proceed to construct, as speedily as may be practicable, a railroad, with one or more tracks, to be used with steam, animal or other power, which shall extend from some point on the Charlotte and South Carolina Railroad, in or near the city of Columbia, to or near the town of Hamburg, in the State of South Carolina, and (if the said company shall be chartered by the State of Georgia) to cross the Savannah River at or near the city of Augusta, in the State of Georgia, and to connect with the Georgia Railroad in the said city of Augusta: *Provided*, That the said company may use any section or portion of the said road before the whole thereof shall be completed.

X. That said company shall have the exclusive right of conveyance or transportation of persons, goods or merchandise and produce, over the said road, to be by them constructed, and shall have power to fix and establish such rates of charges for the transportation of persons, goods, produce, merchandise and other articles, as are fixed by the charter of the Charlotte and South Carolina Railroad Company.

XI. That said company, when they see fit, may farm out their rights of transportation on said road, subject to the provisions of

A. D. 1863.

Number of Directors necessary to constitute Board.

Vacancy by death, &c.

Meeting of stockholders.

Non-election of Directors.

Special meetings.

Contracts binding on Company.

Power to construct road.

Company to have exclusive right of conveyance.

Company may farm out rights of transportation.

A. D. 1863.

Liability for
failure to pay
installments.

this charter; and said company, and every person or company who may have received from them the right of transporting goods, wares and produce on said road, shall be deemed and taken to be common carriers, as respects all goods, wares, merchandise and produce entrusted to them for transportation.

XII. That if any stockholder shall fail to pay the installment or installments required of him on his share or shares by the President and Directors, or a majority of them, within one month after the call for the same shall have been advertised in one or more papers published in the city of Columbia or Augusta, as the case may be, it shall and may be lawful for the President and Directors, or a majority of them, to sell, at public auction, and convey to the purchaser or purchasers, the share or shares of such stockholder so failing or refusing, giving twenty days' notice of the time and place of sale, and after retaining the sum due, and all expenses incident to the sale, out of the proceeds, shall pay the surplus to the former owner, or his legal representatives or assignees; and any purchaser of the stock of the company, under the sale by the President and Directors as aforesaid, shall be subject to the same rules and regulations as the original proprietor, and no sale by the original proprietor of stock, or his assignees, shall release the original proprietor from his obligation to the company to pay the whole amount of his subscription. In addition to the foregoing remedy, the President and Directors may proceed, by action of assumpsit or debt, in any of the Courts of law of the States of South Carolina and Georgia, for the recovery of the installments due and not paid by any delinquent stockholder or his assignees, who shall not pay the same on requisition made in manner and form as aforesaid, or the President and Directors, or a majority of them, may declare the share or shares of any stockholder in arrears, after twenty days' notice, forfeited for the use and benefit of the company.

Stock trans-
ferable.

XIII. That the stock of said company may be transferred in such manner and form as may be directed by the by-laws of said company.

Power to in-
crease capital
stock.

XIV. That if the capital stock shall be deemed by a majority of the Directors to be insufficient, it shall and may be lawful, at some general meeting, by a vote of the stockholders, from time to time, to increase the capital stock of said company to an amount not exceeding five millions of dollars, by the addition of as many shares as may be necessary for that purpose; and the President and Directors shall first give the individual stockholders for the time, or their legal representatives, the option of taking such additional shares, and an apportionment, if necessary, shall be made amongst them. And if such additional shares shall not be taken by the stockholders, the President and Directors shall cause books to be opened, under the direction of Commissioners to be appointed by them, at such time and place as they shall designate, which time and place shall be duly advertised for subscription for said additional shares, or for so much thereof as may not be taken by the individual stockholders as aforesaid, and the subscribers for such additional shares are hereby declared to be thenceforward incorporated into said company, with all the privileges and advantages, and subject to all the liabilities of the original stockholders.

XV. That the President and Directors, or a majority of them, shall have power to borrow money for the objects of this Act, to issue certificates, bonds, or other evidences of such loans, and to make the same convertible into the stock of the company at the pleasure of the holder: *Provided*, The capital stock of the company shall not thereby be increased beyond five millions of dollars; also to mortgage, or otherwise pledge the said road, and any of the property of the company, to secure such loan and the interest thereon.

A. D. 1863.

Power to
borrow money,
&c.

XVI. That the Directors shall, once in every year at least, make a full report, on the state of the company and its affairs, to a general meeting of the stockholders, and shall have power to call a general meeting of the stockholders when the Board may deem it expedient; and the company may provide, in their by-laws, for occasional meetings being called, and prescribe the mode thereof.

Directors to
make report
periodically.

XVII. That the said company may purchase, have and hold, in fee or for a term of years, any lands, tenements or hereditaments, which may be necessary for the business of the said road, or for the erection of depositories, storehouses, houses for the officers, servants or agents of the company, or for work-shops or foundries, to be used for said company, or for procuring stone or other materials necessary for the construction of the road, or for effecting transportation thereon, and for no other purpose whatever.

Company may
purchase and
hold lands,
&c., in fee.

XVIII. That said company shall have the right, when necessary, to conduct the said road across or along any public road or water course: *Provided*, That the said company shall not obstruct any public road, without constructing another equally as good, and as convenient as may be, nor without making a draw in any bridge of said road, which may cross a navigable stream, sufficient for the passage of vessels navigating said stream, which draw shall be opened by the company for the free passage of vessels navigating said stream.

Right to con-
duct road
across public
road or water
course, &c.

XIX. That when any lands or right of way may be required by said company for the purpose of constructing their road, and, for want of agreement as to the value thereof, or from any other cause, the same cannot be purchased from the owner or owners, the same may be taken at a valuation to be made by five Commissioners, or a majority of them, to be appointed by any Court of Record having common law jurisdiction, in the County or District where some part of the land or right of way is situated. In making the said valuation, the said Commissioners shall take into consideration the loss or damage which may occur to the owner or owners in consequence of the land being taken, or the right of way surrendered, and also the benefit and advantage such owner or owners may receive from the erection or establishment of the railroad or work, and shall state, particularly, the nature and amount of each, and the excess of loss or damage, over and above the advantage and benefit, shall form the measure of valuation of said land or right of way: *Provided*, nevertheless, In case either party shall appeal from the valuation to the next session of the Court granting the commission, and giving fifteen days' notice to the opposite party of such appeal, the Court shall order a new valuation to be made by a jury, who shall be charged therewith in the same term, or as soon as possible, and their

Commissioners
to be appointed
to decide valua-
tion of right
of way.

Duties of Com-
missioners.

Provision for
appeal.

A. D. 1863.

verdict shall be final and conclusive between the parties, unless a new trial shall be granted. The proceedings of said Commissioners, accompanied with a full description of the said land or right of way, shall be returned, under the hands and seals of a majority of the Commissioners, to the Court from which the commission issued, there to remain a matter of record; and the land or right of way, so valued by the Commissioners, shall vest in the said company, discharged from all previous liens, so long as the same shall be used for the purposes of said railroad, so soon as the valuation may be paid, or, where refused, may be tendered: *Provided*, That on the application for the appointment of Commissioners under this Section, it shall be made to appear to the satisfaction of the Court that at least ten days' previous notice has been given, by the applicants, to the owner or owners of the land so proposed to be condemned; or if the owner or owners be infants, or *non compos mentis*, then to the guardian or committee of such owners, if such guardian or committee can be found within the County or District, or if he cannot be so found, then such appointment shall not be made, unless notice of the application shall have been published at least one month next preceding, in some newspaper printed as convenient as may be to the court house of the County or District: *Provided*, That when there shall be an appeal, as aforesaid, from the valuation of Commissioners, by either of the parties, the same shall not prevent the works intended to be constructed from proceeding. But when the appeal is made by the company requiring the surrender they shall be at liberty to proceed in their work only on condition of giving to the opposite party a bond, with good security, to be approved by the Clerk of the Court where the valuation is returned, in a penalty equal to double the said valuation, conditioned for the payment of the said valuation and interest, in case the same be sustained, and in case it be reversed, for the payment of the valuation thereafter to be made by the jury and confirmed by the Court.

Absence of contract presumptive evidence of grant to Company by owner of land.

XX. That in the absence of any contract or contracts with the said company, in relation to lands through which the said road or its branches may pass, signed by the owner thereof, or by his agent, or any claimant or person in possession thereof, it shall be presumed that the land upon which the said road or any of its branches may be constructed, together with the space of sixty-five feet on each side of the centre of the said road, has been granted to the company by the owner or owners thereof; and the said company shall have good right and title thereto, and shall have, hold and enjoy the same, as long as the same may be used, only for the purpose of said railroad, discharged from all persons' liens, and no longer, unless the person or persons owning the said land at the time that part of the said road which may be on the said land was finished, or those claiming under him, her or them, shall apply for an assessment of the value of the said lands, as hereinbefore directed, within one year next after that part of the said road was finished; and in case the said owner or owners, or those claiming under him, her or them, shall not apply within one year next after the said part was finished, he, she or they shall be forever barred from recovering the said land, or having any assessment or compensation therefor: *Provided*, That nothing herein contained shall affect the rights of *feme covert*s or infants, until

Application for assessment may be made within given time.

Provision for *feme covert*s or infants.

two years after the removal of their respective disabilities: *And provided, also*, That if the said road, or any part thereof, should be sold at execution sale, for the debts of the said company, or otherwise, then, and in that case, all the right and title to the land which may have been condemned by virtue of this Act shall immediately revert to the original owner or owners, unless the purchaser or purchasers at such sale shall keep up the road for the use of the public, in the same manner and under the same restrictions as by this Act it is contemplated "The Columbia and Augusta Railroad" should do.

A. D. 1881.

Land may revert to owner in case of sale for debts of company.

XXI. That all lands not heretofore granted nor appropriated by law to the use of the State, within sixty-five feet of the centre of the road which may be constructed by the said company, shall vest in the company as soon as the line of the road is definitely laid out through it, and any grant of the same thereafter shall be void.

Lands not granted to use of the State to vest in company.

XXII. That if any person or persons shall intrude upon the said railroad by any manner of use thereof, or of the rights and privileges connected therewith, without the permission, or contrary to the will of said company, he, she or they shall forthwith forfeit to the said company all the vehicles that may be intruded on the said road, and the same may be recovered by a suit at law; and the person or persons so intruding may also be indicted for misdemeanor, and, upon conviction, fined or imprisoned by any Court of competent jurisdiction.

Persons intruding upon road liable to forfeit vehicles, and indictable.

XXIII. That if any person shall wilfully and maliciously destroy, or, in any manner hurt, damage or obstruct, or shall wilfully or maliciously cause, or aid, or assist, or counsel, or advise any other person or persons to destroy, or in any manner hurt, damage or destroy, injure or obstruct the said railroad, or any bridge or vehicle used for or in the transportation thereon, such person or persons, so offending, shall be liable to be indicted therefor, and on conviction shall be imprisoned not more than six nor less than one month, and pay a fine not exceeding five hundred dollars, nor less than twenty, at the discretion of the Court before which such conviction shall take place; and shall be further liable to pay all the expenses of repairing the same, and it shall not be competent for any person so offending against the provisions of this clause to defend himself by pleading or giving in evidence that he was the owner, or agent or servant of the owner of the land where such destruction, hurt, damage, injury or obstruction was done or caused at the time the same was done or caused.

Liability of persons for damage to road, &c.

XXIV. That every obstruction to the safe and free passage of vehicles on the said road and its branches shall be deemed a public nuisance, and may be abated as such by any officer, agent, or servant of the company; and the person causing such obstruction may be indicted and punished for erecting a public nuisance.

Obstructions to road deemed a public nuisance and indictable.

XXV. That said company shall have the right to take at the store houses they may establish on or annex to their railroad, or the branches thereof, all goods, wares, merchandise and produce intended for transportation, prescribe the rules of priority, and charge and receive such just and reasonable compensation for storage as they, by rule, may establish, (which they shall cause to be published,) or as may be fixed by agreement with the owner,

Compensation for storage, &c.

A. D. 1863.

which may be distinct from the rates of transportation: *Provided*, That the said company shall not charge or receive storage on goods, wares, merchandise or produce which may be delivered to them at their regular depositories, for immediate transportation, and which the company may have the power of transporting immediately.

Reservation of
right to cross
the road.

XXVI. That any railroad which may hereafter be constructed by the State, or by any company incorporated by the Legislature, shall be at liberty to cross the road hereby allowed to be constructed, upon a level or otherwise, as may be advantageous: *Provided*, That the free passage of the Columbia and Augusta Railroad is not thereby obstructed.

Division of
profits of com-
pany.

XXVII. That the profits of the company, or so much thereof as the general Board of Directors may deem advisable, shall, when the affairs of the company will permit, be semi-annually divided amongst the stockholders in proportion to the stock each may own.

Capital stock,
dividends and
property ex-
empt from tax-
ation.

XXVIII. That the capital stock in the said company, the dividends thereon, and all the property, real and personal, belonging to the said company, shall be exempt from taxation by either of the States of South Carolina or Georgia, or any corporate or municipal police, or other authority thereof, or of any town, city, County or District thereof, for the term of fifteen years: *Provided*, That it shall be competent for the Legislature of either of said States, at any time after the expiration of the period aforesaid, to impose such tax upon the estate, both real and personal, of the aforesaid company, as they may deem reasonable and just, not exceeding, however, in any event, the tax imposed on the respective citizens of said States, on property owned by them of a similar character.

Original char-
ter to continue
of force.

XXIX. That the charter heretofore granted to the Columbia and Hamburg Railroad Company shall continue of force, except in so far as it may be repugnant to the provisions of this Act.

Public Act.

XXX. That this Act shall be regarded as a public Act, and may be given in evidence as such in all cases without special pleading.

In the Senate House, the seventeenth day of December, in the year of our Lord one thousand eight hundred and sixty-three, and in the eighty-eighth year of the sovereignty and independence of the State of South Carolina.

WILLIAM D. PORTER, President of the Senate.

A. P. ALDRICH, Speaker House of Representatives.

NO. 4678. AN ACT TO AMEND THE LAW IN RELATION TO THE GENERAL STAFF.

Office of Pay-
master General
abolished, and
duties trans-
ferred, &c.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the office of Paymaster General be, and the same is hereby, abolished, and that the Quartermaster General be, and he is hereby, charged with its duties; and that the duties heretofore performed by the Ordnance Officer be hereafter performed by the Arsenal Keepers of Charleston and Columbia, under the supervision of the Adjutant and Inspector General.

II. That the Adjutant and Inspector General, the Quartermaster General, and the Commissary General, be each entitled to one assistant, with the rank of Captain of Infantry, to be appointed and commissioned by the Governor and Commander-in-Chief, and that the Commissary General be authorized to employ one clerk, to receive a salary of fifty dollars per month.

A. D. 1863.

Officers of General Staff entitled to assistants.

III. That the pay of the Adjutant and Inspector General, and such other officers of the General Staff as may be assigned and put upon duty by the Governor and Commander-in-Chief, and the assistants provided for by this Act, shall, during the continuance of the war between the Confederate States of America and the United States of America, be the rates of pay and compensation established by the Act of the Confederate States and the army regulations of the Confederate States, for officers of a similar grade in the field, to wit: The Adjutant and Inspector General, three hundred and one dollars per month; the Quartermaster General, one hundred and ninety-five dollars per month; the Commissary General, one hundred and seventy dollars per month; the Assistants of the Adjutant and Inspector General, the Quartermaster General, and the Commissary General, one hundred and thirty dollars per month, each.

Compensation of officers of General Staff, and their assistants.

IV. That all Acts and clauses of Acts inconsistent with the provisions of this Act be, and the same are hereby, repealed.

Acts and clauses repealed.

In the Senate House, the seventeenth day of December, in the year of our Lord one thousand eight hundred and sixty-three, and in the eighty-eighth year of the sovereignty and independence of the State of South Carolina.

W. D. PORTER, President of the Senate.

A. P. ALDRICH, Speaker House of Representatives.

AN ACT TO GRANT THE AID OF THE STATE TO THE SHELBY AND BROAD RIVER RAILROAD COMPANY. No. 4679.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That whenever satisfactory proof is produced to the Comptroller General that three hundred thousand dollars are duly subscribed by responsible persons or corporate bodies to the capital stock of the Shelby and Broad River Railroad Company, and that said company has been duly organized, he is hereby authorized to subscribe, on the part of the State, three hundred thousand dollars to the capital stock of the said company, to be paid in bonds or stocks of the Confederate States of America, bearing interest at the rate of six per cent. per annum, or call loan at the par value thereof; and that, for the purpose of making such subscription, the Comptroller General be, and he is hereby, authorized to sell of the shares owned by the State in the Greenville and Columbia Railroad Company, a sufficient amount to raise said sum of three hundred

Comptroller General to subscribe to capital stock.

Provision for making subscription.

A. D. 1863.

thousand dollars, (*Provided*, That said shares shall not be sold below their par value,) to purchase a sufficiency of said bonds or stocks, or call loan, for that purpose, and the same to deposit as a special deposit in the Bank of the State of South Carolina, to be subject to his order, and to be applied by him to the payment of the said subscription, as hereinafter provided. And that he take, in the name of the State, a certificate from the said company for the stock so subscribed.

Conditions of
payment.

II. That the subscription shall be paid in the manner and subject to the terms and conditions hereinafter expressed, to wit: Whenever satisfactory proof shall be produced to the Comptroller General that ten miles of the said Shelby and Broad River Railroad Company has been graded and ready for the superstructure to be laid thereupon, he shall transfer and deliver to the said company so much of the said Confederate six per cent. stock or bonds, or call loan, as shall amount, at its par value, to sixty thousand dollars, together with the accrued interest thereupon; and when similar proof shall be produced to the Comptroller General that another ten miles of the said road has been graded, and is ready for the superstructure to be laid thereupon, he shall transfer and deliver to the said company so much of the said Confederate six per cent. stock or bonds, or call loan, as shall amount, at its par value, to sixty thousand dollars, together with the accrued interest thereupon; and when similar proof shall be produced to the Comptroller General that another ten miles of the said road has been graded, and is ready for the superstructure to be laid thereupon, he shall transfer and deliver to the said company so much of the said Confederate six per cent. stock or bonds, or call loan, as shall amount, at its par value, to sixty thousand dollars, together with the accrued interest thereupon; and when similar proof shall be produced to the Comptroller General that another ten miles of the said road has been graded, and is ready for the superstructure to be laid thereupon, he shall transfer and deliver to the said company so much of the said Confederate six per cent. stock or bonds, or call loan, as shall amount, at its par value, to sixty thousand dollars, together with the accrued interest thereupon; and when similar proof is produced to the Comptroller General that the remaining part of the said road has been graded, and is ready for the superstructure to be laid thereupon, he shall transfer and deliver to the said company so much of the said Confederate six per cent. stock or bonds, or call loan, as shall amount, at its par value, to sixty thousand dollars, together with the accrued interest thereupon.

State not liable
for debts, &c.

III. That the State shall in no way whatsoever be liable for the debts and contracts of the said railroad company, nor be subject to any assessment on the shares held in its capital stock.

In the Senate House, the seventeenth day of December, in the year of our Lord one thousand eight hundred and sixty-three, and in the eighty-eighth year of the sovereignty and independence of the State of South Carolina.

WILLIAM D. PORTER, President of the Senate.
A. P. ALDRICH, Speaker House of Representatives.

AN ACT TO ESTABLISH CERTAIN ROADS, BRIDGES AND
FERRIES.

A. D. 1863.

No. 4680.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the "Magnetic Iron Company," heretofore chartered by the General Assembly, shall have the right and authority to erect and build a bridge across Broad River, near Cherokee Ford, on said river, with the right to receive such toll for crossing the same as is established by "An Act establishing the principles on which companies shall be incorporated," passed on seventeenth December, eighteen hundred and twenty-seven; that the said company shall not build the said bridge on the site of the present ford of the river, or so as to obstruct the passage through the same; that the said company shall have the right and privilege to lay out and open roads from both ends of the bridge to the road leading to the ford by the shortest and most convenient route, at their own expense, and without cost to the State for the right of way to said roads; and when the said bridge and roads shall have been built and opened, the same are hereby declared to be a public bridge and highway.

Right to con-
struct new
bridge across
Broad River.

II. That Malcom Erwin be, and he is hereby, authorized and empowered to build a bridge across Saluda River, at his mills thereon, (formerly called Smith's Mill,) and shall have the right to charge such toll for passing thereon as is established by the Act of the General Assembly, ratified on the seventeenth day of December, in the year of our Lord one thousand eight hundred and twenty-seven; and shall have the right and authority to lay out and open a road from the said bridge to the Greenville road, about two miles long, and three-quarters of a mile on the Abbeville side of the river, by the nearest and most convenient route, at his own expense, and without cost to the State for the right of way; that when the said road shall have been finished, it is hereby declared to be a public road, and shall be taken under the jurisdiction of the Commissioners of Roads.

Right to con-
struct bridge
across Saluda
River, and
open a road.

III. That the eighteenth Section of an Act entitled "An Act to establish certain roads, bridges and ferries," ratified on the seventeenth day of December, in the year of our Lord one thousand eight hundred and fifty-five, be, and the same is hereby, repealed; that the Commissioners of Roads for Georgetown District and Kingston Parish be, and they are hereby, directed and required to take under their charge and control, the roads mentioned in the said Section, lying and being in their respective jurisdictions, as public roads.

Eighteenth
Section of Act
repealed.

Commissioners
of Roads to
control roads
mentioned in
said Section.

IV. That the Commissioners of Roads for Upper St. George's Parish be, and they are hereby, authorized and empowered to discontinue and close, during the existing war, and for no longer time, that part of the river road leading from the lower line of Wharton and Petsche's Mill to T. W. Harley's house; and they are hereby authorized and required to open and keep in repair, during the present war, and no longer, the road known as "Ross' Road," leading from the said river road to the Orangeburg road.

Power to close
road.

V. That the ferry across Big Saluda River, in Edgefield District,

A. D. 1863.

Bouknight's
ferry re-estab-
lished.

known as Bouknight's Ferry, on the road known as the Weaver road, leading from Hamburg to Newberry Court House, be, and the same is hereby, re-established, and vested in William Bouknight, for the space of twenty-one years, with the rates of toll for crossing thereon as are established by the Act of the General Assembly, passed in December, in the year of our Lord one thousand eight hundred and twenty-seven.

Commissioners
of Roads to
serve during
the war.

VI. That each Commissioner of Roads now in office, or hereafter appointed, shall serve until a successor is appointed, and has accepted. This Section to be in force during the war.

In the Senate House, the seventeenth day of December, in the year of our Lord one thousand eight hundred and sixty-three, and in the eighty-eighth year of the sovereignty and independence of the State of South Carolina.

W. D. PORTER, President of the Senate.

A. P. ALDRICH, Speaker House of Representatives.

No. 4681. AN ACT TO INCORPORATE THE CHICORA IMPORTING AND EXPORTING COMPANY OF SOUTH CAROLINA.

Power to ex-
port and im-
port.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That A. S. Johnston, G. S. Cameron, T. D. Wagner, and their associates and successors, be, and they are hereby, made a body politic and corporate in law, by the name of "The Chicora Importing and Exporting Company of South Carolina;" and the said company shall have power to export produce from this State to neutral ports, and import into this State from neutral ports, arms, munitions of war, and other commodities, and also to bring and carry mails and passengers in their vessels.

Amount of
capital stock.

II. The capital stock of the said company shall be two millions two hundred and fifty thousand dollars, with the privilege of increasing the same to three million dollars: *Provided*, Such increase shall be agreed to by a majority in number of the stockholders.

Capital stock,
how raised, &c.

III. The capital stock shall be raised by subscription, in shares of one thousand dollars each, but the said company shall not go into operation until the said stock, to the amount of at least two hundred thousand dollars, has been paid in cash, and an oath or affirmation thereof shall have been made and subscribed by the President of the company, the Treasurer, and a majority of the Board of Directors, which shall be lodged and recorded in the office of the Secretary of the State, and shall be published in two newspapers of the city of Charleston.

Board of man-
agers.

IV. The affairs of the company shall be managed by a Board, consisting of a President and four Directors, who shall be elected in such manner and for such periods as the stockholders may prescribe.

Power to sell
and transfer.

V. The said capital stock shall be deemed personal estate, and the company may hold such personal property as may be necessary

for the purposes of their business, and may, from time to time, sell and transfer the same, or any part thereof.

A. D. 1861.

VI. The said company may, by its corporate name, be plaintiff or defendant in any Court of law or equity in this State, and may have and use a common seal, and make such by-laws and regulations for their government as they shall see fit, with full power to enforce the due observance thereof upon their members: *Provided*, Said laws are not inconsistent with the Constitution and laws of this State and the Confederate States.

Power to make laws and regulations.

VII. No part of the capital stock shall at any time be withdrawn by a dividend among the stockholders, until all the debts and liabilities of the corporation shall have been fully paid off and discharged.

Debts and liabilities.

In the Senate House, the seventeenth day of December, in the year of our Lord one thousand eight hundred and sixty-three, and in the eighty-eighth year of the sovereignty and independence of the State of South Carolina.

W. D. PORTER, President of the Senate.

A. P. ALDRICH, Speaker House of Representatives.

AN ACT IN RELATION TO THE SOUTHERN EXPRESS COMPANY, No. 4682.
AND TO PROVIDE ADDITIONAL REMEDIES FOR THE DEFAULTS
OF COMMON CARRIERS.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That process served on any agent of the copartnership, company or firm doing business in this State, under the name and style of the "Southern Express Company," shall be sufficient to make such copartnership, company, or firm, a party in the Court of law or equity in the District in which such agent may be served.

Service of process.

II. That on judgment or decree obtained against such copartnership, company or firm, under such process, final process may issue to recover satisfaction of such judgment or decree, and any property of the said copartnership, company, or firm, and the individual property of any copartner or member of such partnership, company, or firm, found in the State, shall be liable to judgment and execution for satisfaction of any such judgment or decree.

Liability under final process.

III. That in any action against any common carrier, by railroad or otherwise, whether the same be an incorporated railroad company, or an incorporated company, or an individual or unincorporated association of individuals, undertaking to carry, in whole or in part, by railroad or otherwise, if the plaintiff shall file with his declaration a statement on oath of the facts, and of the amount of loss or damage sustained, (a copy of which shall be served as hereinbefore provided for the service of process in actions against the Southern Express Company,) the said affidavit shall be given to the jury as

Affidavit may be filed in actions against common carriers.

A. D. 1863.

evidence in the case: *Provided*, That the defendant shall be at liberty, within thirty days thereafter, to file with his plea an affidavit, denying the truth of the same, in which case both affidavits shall be submitted as evidence to the consideration of the jury: *And provided, also*, That in addition to the evidence allowed above, all common law evidence shall be admitted in said case.

Duties of common carriers to publish names and residences of parties interested in business.

IV. That when any association of individuals, not having a charter from this State, shall undertake to carry for hire by railroad, in whole or in part, the said individuals are hereby required to publish, in three newspapers of this State, a correct list, to be sworn to before one of the Clerks of Common Pleas and General Sessions in this State, of the names and residences of the parties interested in the business of carrying, the said list to appear at least once in two months during the time they are engaged in said business, and all persons thus engaged in the business of common carriers, failing to make such publication, shall be deemed guilty of a misdemeanor, and liable to indictment.

In the Senate House, the seventeenth day of December, in the year of our Lord one thousand eight hundred and sixty-three, and in the eighty-eighth year of the sovereignty and independence of the State of South Carolina.

WILLIAM D. PORTER, President of the Senate.

A. P. ALDRICH, Speaker House of Representatives.

NO. 4683. AN ACT TO AMEND AN ACT ENTITLED "AN ACT TO INCREASE THE FEES OF SHERIFFS FOR DIETING PERSONS CONFINED IN JAIL."

Fees for dieting prisoners.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That an Act entitled "An Act to increase the fees of Sheriffs for dieting persons confined in jail," ratified on the sixth day of February, in the year of our Lord one thousand eight hundred and sixty-three, be, and the same is hereby, altered and amended to read as follows, to wit: That the Sheriffs shall hereafter be entitled to charge and receive, for dieting white persons confined in jail, one dollar per day, each; and for dieting slaves or free persons of color, eighty cents per day, each.

Limitation of Act.

II. That this Act shall continue of force until the first day of January, in the year of our Lord one thousand eight hundred and sixty-five, and no longer.

In the Senate House, the seventeenth day of December, in the year of our Lord one thousand eight hundred and sixty-three, and in the eighty-eighth year of the sovereignty and independence of the State of South Carolina.

W. D. PORTER, President of the Senate.

A. P. ALDRICH, Speaker House of Representatives.

AN ACT TO REFUND TO THE SOLDIERS' BOARD OF RELIEF
FOR MARLBORO DISTRICT MONEY ADVANCED BY THEM.

A. D. 1863.

No. 4684.

Be it enacted by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the Soldiers' Board of Relief for the District of Marlboro be, and they are hereby, authorized to make an assessment upon the general State tax of the said District for the past year, which shall be sufficient to raise the amount expended by the said Board for the relief of soldiers' families in said District, over and above the amount of the appropriation made by the General Assembly for that purpose; and that the Tax Collector for said District, where furnished with a written order from said Board, do collect and pay over the sum so assessed to and in relief of the said Board, on account of money heretofore advanced and expended by them for the purposes aforesaid.

Assessment on
General tax to
raise a amount
expended over
appropriation.

In the Senate House, the seventeenth day of December, in the year of our Lord one thousand eight hundred and sixty-three, and in the eighty-eighth year of the sovereignty and independence of the State of South Carolina.

W. D. PORTER, President of the Senate.

A. P. ALDRICH, Speaker House of Representatives.

AN ACT TO EXTEND AN ACT ENTITLED "AN ACT TO CONTINUE
IN FORCE AN ACT ENTITLED 'AN ACT TO AUTHORIZE CERTAIN
BUILDING AND LOAN ASSOCIATIONS TO SUSPEND THE CALL FOR
MONTHLY INSTALMENTS,'" DURING THE PRESENT WAR. No. 4685.

I. Be it enacted by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That an Act entitled "An Act to continue of force an Act entitled 'An Act to authorize certain building and loan associations to suspend their call for monthly instalments,'" ratified on the sixth day of February, in the year of our Lord one thousand eight hundred and sixty-three, be, and the same is hereby, re-enacted and made of force, until the close of the war between the Confederate States and the United States of America, and until the next regular session of the Legislature of this State thereafter.

Act re-enacted
and made of
force.

In the Senate House, the seventeenth day of December, in the year of our Lord one thousand eight hundred and sixty-three, and in the eighty-eighth year of the sovereignty and independence of the State of South Carolina.

W. D. PORTER, President of the Senate.

A. P. ALDRICH, Speaker House of Representatives.

A. D. 1863.

No. 4686.

AN ACT TO AUTHORIZE THE TAX COLLECTORS OF BEAUFORT DISTRICT TO PAY OVER TO THE "SOLDIERS' BOARDS OF RELIEF" CERTAIN FUNDS IN THEIR HANDS.

Tax-Collectors
required to pay
over funds in
hands in the
proportion
contributed.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the Tax Collectors of the several Parishes in Beaufort District be, and they are hereby, authorized and required to pay over and distribute among the "Soldiers' Boards of Relief" of the different Parishes of Beaufort District, in the proportion contributed by each Parish, any funds now in hands, collected and deposited there by order of the late Provost Marshal of said District, to be disbursed by said Boards for the benefit of soldiers' families: *Provided, however*, That all claims lawfully payable therefrom be first satisfied.

In the Senate House, the seventeenth day of December, in the year of our Lord one thousand eight hundred and sixty-three, and in the eighty-eighth year of the sovereignty and independence of the State of South Carolina.

W. D. PORTER, President of the Senate.

A. P. ALDRICH, Speaker House of Representatives.

No. 4687. AN ACT TO ALTER THE LAW IN RELATION TO THE ELECTION OF DISTRICT OFFICERS.

Day of election
changed.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That from and after the first day of February next ensuing after the ratification of this Act, elections for all District officers, who are elected by the people, shall be held on Tuesday, instead of Monday, as heretofore.

Duty of Managers.

II. That in all elections held in this State, it shall be the duty of the managers of elections to keep the polls open for the reception of votes from 9 o'clock A. M. to 4 o'clock P. M., and immediately after closing the polls the said managers shall proceed to count the votes, as is now required by law in other elections.

In the Senate House, the seventeenth day of December, in the year of our Lord one thousand eight hundred and sixty-three, and in the eighty-eighth year of the sovereignty and independence of the State of South Carolina.

W. D. PORTER, President of the Senate.

A. P. ALDRICH, Speaker House of Representatives.

AN ACT TO ALTER AND AMEND THE CHARTER OF THE CHERAW
AND DARLINGTON RAILROAD COMPANY.

A. D. 1863.

No. 4688.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That Section five of an Act entitled "An Act to charter the Cheraw and Darlington Railroad Company," ratified the nineteenth day of December, in the year of our Lord one thousand eight hundred and forty-nine, be amended so as to read as follows, to wit: That all the powers, rights and privileges granted by the charter of the Northeastern Railroad Company are hereby granted to the Cheraw and Darlington Railroad Company, and subject to the conditions therein contained, except as to the amount of capital stock, and except in so far as the special provisions of this Act may otherwise require the same to be modified or varied.

Fifth Section of
Act amended.

II. That there shall be elected, annually, a President and ten Directors, who shall be eligible from the body of stockholders, irrespective of the amount of stock or time of holding the same, in the manner prescribed by the third Section of the Act incorporating said Northeastern Railroad Company.

Election of
officers.

III. That this charter shall in no wise be subject to the provisions of the forty-first Section of the Act of the General Assembly of South Carolina, passed on the seventeenth day of December, in the year of our Lord one thousand eight hundred and forty-one.

Charter not
subject to pre-
vious law.

In the Senate House, the seventeenth day of December, in the year of our Lord one thousand eight hundred and sixty-three, and in the eighty-eighth year of the sovereignty and independence of the State of South Carolina.

W. D. PORTER, President of the Senate.

A. P. ALDRICH, Speaker House of Representatives.

AN ACT TO INCORPORATE THE CHARLESTON IMPORTING AND
EXPORTING COMPANY. No. 4689.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That Henry Cobia, Alonjo J. White, C. L. Burkmyer, L. D. Mowry, and their associates and successors, be, and they are hereby, made a body politic and corporate in law, by the name of "The Charleston Importing and Exporting Company;" and the said company shall have power to export produce from this State to neutral ports, and import into this State, from neutral ports, arms, munitions of war, and other commodities, and also to bring and carry mails and passengers in their vessels.

Power to ex-
port and im-
port.

II. The capital stock of the said company shall be two millions of dollars, with the privilege of increasing the same to three millions dollars: *Provided*, Such increase shall be agreed to by a majority in number of the stockholders.

Amount of
capital stock.

- A. D. 1863.
Capital stock,
how raised.
- III. The capital stock shall be raised by subscription, in shares of one thousand dollars each; but the company shall not go into operation until the said stock, to the amount of at least two hundred thousand dollars, has been paid in cash, and an oath or affirmation thereof shall have been made and subscribed by the President of the company, the Treasurer, and a majority of the Board of Directors, which shall be lodged and recorded in the office of the Secretary of State, and be published in two newspapers of the city of Charleston.
- Board of Managers.
- IV. The affairs of the company shall be managed by a Board consisting of a President and four Directors, who shall be elected in such manner, and for such periods, as the stockholders may prescribe.
- Power to sell and transfer stock.
- V. The said capital stock shall be deemed personal estate, and the company may hold such personal property as may be necessary for the purposes of their business, and may, from time to time, sell and transfer the same, or any part thereof.
- Power to make laws and regulations, &c.
- VI. The said company may, by its corporate name, be plaintiff or defendant in any Court of law or equity in this State, and may have and use a common seal, and make such by-laws and regulations for their government as they shall see fit, with full power to enforce the due observance thereof upon their members: *Provided*, Said laws are not inconsistent with the Constitution and laws of this State and the Confederate States.
- Debts and liabilities.
- VII. No part of the capital stock shall at any time be withdrawn by, or divided among, the stockholders, until all the debts and liabilities of the corporation shall have been fully paid off and discharged.

In the Senate House, the seventeenth day of December, in the year of our Lord one thousand eight hundred and sixty-three, and in the eighty-eighth year of the sovereignty and independence of the State of South Carolina.

W. D. PORTER, President of the Senate.

A. P. ALDRICH, Speaker House of Representatives.

No. 4690. AN ACT TO INCORPORATE THE CONSOLIDATED STEAMSHIP COMPANY OF CHARLESTON.

- Power to export and import.
- I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That William Ravenel, G. W. Williams, W. B. Heriot, and their associates and successors, be, and they are hereby, made a body corporate and politic in law, by the name of "The Consolidated Steamship Company of Charleston;" and the said company shall have power to export produce from this State to neutral ports, and import into this State, from neutral ports, arms, munitions of war, and other commodities, and also to bring and carry mails and passengers in their vessels.
- Amount of capital.
- II. The capital stock of the said company shall be two millions and fifteen thousand dollars.

III. The capital stock shall be raised by subscription, in shares of one thousand dollars each; but the company shall not go into operation until the said stock, to the amount of at least two hundred thousand dollars, has been paid in cash, and an oath or affirmation thereof shall have been made and subscribed by the President of the company, the Treasurer, and a majority of the Board of Directors, which shall be lodged and recorded in the office of the Secretary of State, and be published in two newspapers of the city of Charleston.

A. D. 1863.

Capital stock,
how raised.

IV. The affairs of the company shall be managed by a Board, consisting of a President and four Directors, who shall be elected in such manner and for such periods as the stockholders may prescribe.

Board of Man-
agers.

V. The said capital stock shall be deemed personal estate, and the company may hold such personal property as may be necessary for the purposes of their business, and may, from time to time, sell and transfer the same, or any part thereof.

Power to sell
and transfer.

VI. The said company may, by its corporate name, be plaintiff or defendant in any Court of law or equity in this State, and may have and use a common seal, and make such by-laws and regulations for their government as they shall see fit, with full power to enforce the due observance thereof upon their members: *Provided*, Said laws are not inconsistent with the Constitution and laws of this State and the Confederate States.

Power to make
laws and regu-
lations, &c.

VII. No part of the capital stock shall, at any time, be withdrawn by dividend among the stockholders, until all the debts and liabilities of the corporation shall have been fully paid off and discharged.

Debts and lia-
bilities.

In the Senate House, the seventeenth day of December, in the year of our Lord one thousand eight hundred and sixty-three, and in the eighty-eighth year of the sovereignty and independence of the State of South Carolina.

W. D. PORTER, President of the Senate.

A. P. ALDRICH, Speaker House of Representatives.

AN ACT TO INCORPORATE CERTAIN RELIGIOUS AND CHARITABLE SOCIETIES, AND TO RENEW AND AMEND THE CHARTERS OF OTHERS HERETOFORE GRANTED.

No. 4691.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That James W. Black, Joel J. Cunningham, J. Wm. Power, Benjamin W. Williams and John Cunningham, Trustees of Little Mountain O. S. Presbyterian Church, of Abbeville District, and their successors in the said office, appointed from time to time, in conformity with the rules and discipline of the said church, be, and they are hereby, created a body politic and corporate, under the name and style of Little Mountain O. S. Presbyterian Church, for the period of twenty-one years from the ratification of this Act;

Little Moun-
tain O. S. Pres-
byterian
Church.

A. D. 1863.

and shall have power to have and use a common seal, to sue and be sued, plead and be impleaded, in any Court of this State; to make all by-laws necessary and proper for the purposes of said corporation, not repugnant to the laws of this State. That all real estate within the limits of Abbeville District, acquired by the said church, for the benefit thereof, by gift, purchase, devise or exchange, be vested in the Board of Trustees, and their successors in office; to hold other real estate and personal property to an amount not exceeding ten thousand dollars, and the same to alien, lease or transfer, and in general to exercise and enjoy all the powers and privileges incident to such corporations.

Rock Church.

II. That the charter heretofore granted to "Rock Church," in Abbeville District, be, and the same is hereby, renewed and extended for a period of twenty-one years from the day on which the said charter, according to its present limitation, will expire: That James Gillam, James Baily and Robert H. Mounce, be, and are hereby, appointed to act as Trustees of said corporation, with power to hold real and personal estate to the amount of ten thousand dollars, exclusive of the lot and buildings of the Presbyterian Church in Greenwood, now owned by them, and with all the rights, powers and privileges heretofore granted to said corporation.

Walterborough Male Academy.

III. That the charter heretofore granted to the "Walterborough Male Academy," be, and the same is hereby, renewed and extended for twenty-one years, with all the rights, powers, privileges and immunities heretofore granted to said corporation.

Ursuline Community of Columbia.

IV. That the Ursuline Ladies of Columbia, be, and they are hereby, created a body politic and corporate, under the name and style of the "Ladies' Ursuline Community of Columbia," for the period of twenty-one years from the ratification of this Act; and shall have power to have and use a common seal, to sue and be sued, plead and be impleaded in any Court of this State, to make all by-laws necessary and proper for the purposes of said corporation not repugnant to the laws of this State; to hold real and personal estate to an amount not exceeding ten thousand dollars over and above what may be necessary for the purposes of their institution, and with power to sell, alien or transfer the same, or any part thereof.

Aiken Mutual Relief Association.

V. That the officers and members of "The Aiken Mutual Relief Association," be, and are hereby declared to be, a body politic and corporate, by the name and style of the "Aiken Mutual Relief Association," with all the rights, powers, privileges and immunities usually incident to such corporations, with a capital not exceeding thirty thousand dollars, unless the same shall be increased by the Board of Directors of the said Association: *Provided, however,* That the capital thereof shall not be increased beyond the sum of sixty thousand dollars.

Missionary Society of the South Carolina Methodist Protestant Church.

VI. That the Annual Conference and Missionary Society of the South Carolina District Methodist Protestant Church be, and the same are hereby, incorporated, by the name of the Annual Conference and Missionary Society of the South Carolina District Methodist Protestant Church, and their successors, for the term of twenty-one years, with all the rights, powers and privileges incident to like bodies corporate and politic.

VII. That J. L. Reynolds, P. A. McMichael, T. W. Mellichamp, A. K. Craig, L. C. Hinton, John C. Kennedy, and their associates and successors, be, and are hereby, declared a body politic and corporate, under the name and style of the "Blythewood Female Academy," in Fairfield District, for the period of twenty-one years from the ratification of this Act, with power to sue and be sued, plead and be impleaded, to hold real and personal estate to an amount not exceeding fifty thousand dollars, and with all the rights, powers, privileges and immunities incident to such like corporations.

A. D. 1863.

Blythewood
Female Aca-
demy.

In the Senate House, the seventeenth day of December, in the year of our Lord one thousand eight hundred and sixty-three, and in the eighty-eighth year of the sovereignty and independence of the State of South Carolina.

W. D. PORTER, President of the Senate.

A. P. ALDRICH, Speaker House of Representatives.

AN ACT TO AMEND AN ACT ENTITLED "AN ACT TO CHARTER THE SHELBY AND BROAD RIVER RAILROAD." No. 4692.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That "An Act to charter the Shelby and Broad River Railroad," passed on the eighteenth day of December, in the year of our Lord one thousand eight hundred and sixty-two, be, and the same is hereby, amended, so as to allow the company thereby chartered to increase the capital stock of said company to the amount of one million five hundred thousand dollars, and to increase, at their discretion, the number of Directors constituting the Board to thirteen.

Capital stock
increased.

Privilege to in-
crease number
of Directors.

II. That the fifth Section of the said Act to charter the Shelby and Broad River Railroad be amended so as to read as follows: The said company are hereby authorized to construct a railroad from such points on the Spartanburg and Union Railroad, the King's Mountain Railroad, the Greenville and Columbia Railroad, or the Charlotte and South Carolina Railroad, as the stockholders of the company hereby incorporated may hereafter select, towards and unto the North Carolina line, and such route as may be determined by the company, leading to the Wilmington, Charlotte and Rutherford Railroad in North Carolina, at or near the village of Shelby, in said State; and that, for the purposes aforesaid, all the rights, powers and privileges conferred on the Charlotte and South Carolina Railroad Company, by an Act entitled "An Act to charter the Charlotte and South Carolina Railroad Company," passed in the year of our Lord one thousand eight hundred and forty-six, in connection with an Act amendatory thereof, entitled "An Act to produce conformity in the charters granted to the Charlotte and South Carolina Railroad Company, by the States of North and South Carolina," are hereby conferred on the Shelby

Fifth Section of
Act amended.

A. D. 1863.

and Broad River Railroad Company, and subject to the conditions and restrictions contained in said Acts, except in so far as the special provisions of the charter of the Shelby and Broad River Railroad may require the same to be modified or varied.

Authority to
construct
branches.

III. That the said Shelby and Broad River Railroad Company be, and it is further, authorized to construct branches of not more than ten miles in length, to such points near the route of the said railroad as may be deemed expedient.

In the Senate House, the seventeenth day of December, in the year of our Lord one thousand eight hundred and sixty-three, and in the eighty-eighth year of the sovereignty and independence of the State of South Carolina.

W. D. PORTER, President of the Senate.

A. P. ALDRICH, Speaker House of Representatives.

No. 4693. AN ACT TO INCORPORATE THE BATESVILLE MANUFACTURING COMPANY.

Company in-
corporated.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That Theodore D. Wagner, James H. Taylor, James Montgomery, and their associates and successors, are hereby made and created a body politic and corporate in law, by the name of the Batesville Manufacturing Company, for the purpose of manufacturing by spinning, weaving, bleaching, dyeing, printing and finishing all goods of which cotton, wool, or other fibrous products, may form a part, and procuring or making machinery for such purposes, and also for the transaction of such business connected therewith as may be deemed necessary, and may erect such mills, machine shops, or other works, as may be deemed requisite to carry on successfully their said manufactures, with a present capital of three hundred and fifty thousand dollars, with the right and privilege to increase the same to one million of dollars.

May hold real
estate, &c.

II. That said corporation may purchase and hold such real estate as may be required for their purposes, or such as they may deem it for their interest to take in settlement of any debts due them, and may dispose of the same, and may sue and be sued in all the Courts of law or equity in this State, may have and use a common seal, and make such by-laws for their regulation and government, not inconsistent with the Constitution and laws of the Confederate States and of this State, as they shall deem necessary, and the said corporation shall have, generally, all the rights, powers and privileges in law incident or appertaining to corporations.

In the Senate House, the seventeenth day of December, in the year of our Lord one thousand eight hundred and sixty-three, and in the eighty-eighth year of the sovereignty and independence of the State of South Carolina.

WILLIAM D. PORTER, President of the Senate.

A. P. ALDRICH, Speaker House of Representatives.

AN ACT TO INCORPORATE THE SOUTHERN IMPORTING AND EXPORTING COMPANY.

A. D. 1863.

No. 4694.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That James W. Brown, John R. Dukes, Robert D. White, James McKay and T. B. Trout, and their associates and successors, be, and they are hereby, made a body politic and corporate in law, by the name of the Southern Importing and Exporting Company; and the said company shall have power to export produce from this State, or any of the Confederate States, to neutral ports, and import into this State, or any of the Confederate States, from neutral ports, arms, munitions of war, and other commodities, and also to bring and carry mails and passengers in their vessels.

Company incorporated.

Power to export and import, &c.

II. The capital stock of said company shall be two hundred and twenty thousand dollars, with the privilege of increasing the same to five hundred thousand dollars.

Amount of capital stock.

III. The capital stock shall be raised by subscription in shares of one thousand dollars each, but the said company shall not go into operation until the said stock, to the amount of at least two hundred thousand dollars, has been paid in cash, and an oath or affirmation thereof shall have been made and subscribed by the President of the company, the Treasurer and a majority of the Board of Directors, which shall be lodged and recorded, and be published in two newspapers of the city of Charleston.

Capital stock, how raised.

IV. The affairs of the company shall be managed by a Board consisting of a President and four Directors, who shall be elected in such manner and for such periods as the stockholders may prescribe.

Board of Managers.

V. The said capital stock shall be deemed personal estate, and the company may hold such personal property as may be necessary for the purposes of their business, and may, from time to time, sell and transfer the same, or any part thereof.

Company to hold personal property.

VI. The said company may, by its corporate name, be plaintiff or defendant in any Court of law or equity in this State, and may have and use a common seal, and may make such by-laws and regulations for their government as they shall see fit, with full power to enforce the due observance thereof upon their members: *Provided*, Said laws are not inconsistent with the Constitution and laws of this State or of the Confederate States.

Company to make by-laws and regulations.

VII. No part of the capital stock shall at any time be withdrawn by, or divided among the stockholders, until all the debts and liabilities of the said corporation shall have been fully paid off and discharged.

Division of capital stock.

In the Senate House, the seventeenth day of December, in the year of our Lord one thousand eight hundred and sixty-three, and in the eighty-eighth year of the sovereignty and independence of the State of South Carolina.

WILLIAM D. PORTER, President of the Senate.

A. P. ALDRICH, Speaker House of Representatives.

A. D. 1863.
 No. 4695. AN ACT TO AMEND THE CHARTER OF THE EDISTO AND ASHLEY
 CANAL COMPANY.

Second Section
 of Act altered
 and amended.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the second Section of an Act entitled "An Act to incorporate the Edisto and Ashley Canal Company, ratified on the sixth day of February, in the year of our Lord one thousand eight hundred and sixty-three, be, and the same is hereby, so altered and amended that it shall be lawful for the Commissioners therein named to open books for subscriptions to the capital stock of said company on the first Monday of each month, between the hours of nine in the forenoon and three in the afternoon, until they shall ascertain that a sufficient number of shares have been subscribed to authorize the organization of the company.

Eighth Section
 of Act repealed

II. That so much of the eighth Section of the said Act as prohibits the company from imposing a rate of toll, "not exceeding at any time ten per centum per annum on the money which they shall have expended in making and keeping in repair said canal," and which requires them to submit their books, with a written statement, on oath, of the expenses of keeping said canal in repair, and the rates of toll, annually, to the Legislature, be, and the same is hereby, repealed.

In the Senate House, the seventeenth day of December, in the year of our Lord one thousand eight hundred and sixty-three, and in the eighty-eighth year of the sovereignty and independence of the State of South Carolina.

W. D. PORTER, President of the Senate.

A. P. ALDRICH, Speaker House of Representatives.

No. 4696. AN ACT TO COMBINE THE OFFICES OF THE CLERK OF THE COURT
 OF COMMON PLEAS AND GENERAL SESSIONS AND REGISTER OF
 MESNE CONVEYANCES FOR GEORGETOWN DISTRICT.

Offices com-
 bined, and offi-
 cial bond of
 Clerk of Court
 extended.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That from and after the passage of this Act the duties of Register of Mesne Conveyances for Georgetown District shall attach to the office of Clerk of the Court of Common Pleas and General Sessions for said District, and the official bond of the Clerk, as now required by law, shall extend to the faithful performance of the additional duties hereby imposed.

In the Senate House, the seventeenth day of December, in the year of our Lord one thousand eight hundred and sixty-three, and in the eighty-eighth year of the sovereignty and independence of the State of South Carolina.

W. D. PORTER, President of the Senate.

A. P. ALDRICH, Speaker House of Representatives.

AN ACT TO AMEND THE CHARTER OF THE CAROLINA COTTON
AND WOOLEN FACTORY.

A. D. 1864.

No. 4697.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the first Section of an Act entitled "An Act to incorporate the Carolina Cotton and Woollen Factory," ratified on the eighteenth day of December, in the year of our Lord one thousand eight hundred and sixty-two, be, and the same is hereby, altered and amended so as to increase the capital stock thereof from one hundred and fifty thousand dollars, as therein provided, to any sum not exceeding one million of dollars.

Eighth Section
of Act altered,
increasing
capital stock.

In the Senate House, the seventeenth day of December, in the year of our Lord one thousand eight hundred and sixty-three, and in the eighty-eighth year of the sovereignty and independence of the State of South Carolina.

W. D. PORTER, President of the Senate.

A. P. ALDRICH, Speaker House of Representatives.

AN ACT TO AUTHORIZE THE CLERK OF THE COURT FOR MARLBOROUGH DISTRICT TO DRAW JURIES FOR THE NEXT TERM OF THE COURT DURING VACATION. No. 4698.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the Clerk of the Court of Common Pleas and General Sessions for Marlborough District be, and he is hereby, authorized, together with the Sheriff of said District, to draw, during vacation, the necessary juries for the next regular term of said Court, in the manner now provided by law for drawing such juries in open Court, in cases where the Judge fails to attend during the term.

Clerk of Court,
with Sheriff, to
draw juries.

In the Senate House, the seventeenth day of December, in the year of our Lord one thousand eight hundred and sixty-three, and in the eighty-eighth year of the sovereignty and independence of the State of South Carolina.

W. D. PORTER, President of the Senate.

A. P. ALDRICH, Speaker House of Representatives.

AN ACT TO RAISE SUPPLIES FOR THE YEAR COMMENCING IN OCTOBER, ONE THOUSAND EIGHT HUNDRED AND SIXTY-FOUR. No. 4699.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That a tax for the sums, and in the manner hereinafter mentioned, shall be raised and paid into the Treasury of this

A. D. 1864.	State, for the use and service thereof, that is to say : Six dollars <i>ad valorem</i> on every hundred dollars of the value of all lands granted
Lands.	in this State, according to the existing classification, as heretofore established ; four dollars per head on all slaves : <i>Provided</i> , That all
Slaves.	lands or slaves in this State now in possession or under the control of the enemy, and also such slaves as may have come into the
Lots, lands, and buildings.	possession of the enemy before the first day of April next, or such lands as shall have been abandoned by the owners, in consequence of the action of the military authorities, before the first day of April next, shall be exempted from taxation ; ten dollars on each free negro, mulatto, or mestizo, between the ages of fifteen and fifty years, except such as shall clearly be proved to the satisfaction of the Collector to be incapable, from wounds or otherwise, of procuring a livelihood, and except those who now are, or have at any time since the first day of October, in the year of our Lord one thousand eight hundred and sixty-three, been in the service of the army of this State or of the Confederate States, as laborers or otherwise, in the existing war ; one dollar and fifty cents <i>ad valorem</i> on every hundred dollars of the value of all lots, lands and buildings within any city, town, village or borough of this State : <i>Provided</i> , That no tax shall be levied on lots, lands and buildings within any city, town, village or borough in the State which have passed into the possession or under the control of the enemy, nor upon the property in the city of Charleston to the southward and eastward of the following lines, to wit : From Cooper River through the centre of the following streets, to wit : Chapel and John Streets to Meeting Street, through Meeting to Hudson, through Hudson to King, through King to Calhoun, through Calhoun to St. Philip, through St. Philip to Green, through Coming to Bull, through Bull to Pitt, through Pitt to Montague, through Montague to Rutledge, through Rutledge to Broad, and through Broad to channel of Ashley River : <i>Provided</i> , That all property in the city of Charleston purchased since the first day of January, one thousand eight hundred and sixty-three, shall pay full tax ; nor upon any of those lots, lands or buildings within any city, town, village or borough, the buildings on which have been damaged by the shot or shell of the enemy, or which may pass into the possession or
Property in Charleston exempted.	under the control of the enemy before the first of April next ; nine
Factorage, employments.	dollars per hundred dollars on factorage, employments, including persons engaged in inland navigation by steam and sail boats, steam saw mills, hotel keepers, keepers of boarding houses and restaurants, and other eating house keepers, keepers of bar rooms, and lime and charcoal burners ; and five dollars per hundred dollars on faculties and professions, including the profession of dentistry, whether in the profession and employment of law or equity the profits be derived from the costs of suits, fees or other sources of professional income, except clergymen, school masters, school mistresses and mechanics ; ten dollars and fifty cents on every hundred dollars on the amount of commissions received by vendue-masters and commission merchants ; two dollars per hundred dollars on the capital stock paid in on the first of October, one thousand eight hundred and sixty-four, of all banks which, for their present charters, have not paid a bonus to the State ; ten dollars per hundred dollars on the
Faculties and professions.	
Commissions.	
Bank stock.	

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capital stock of any bank of issue not incorporated by this State, paid in on the first day of October, one thousand eight hundred and sixty-four, doing business by agents within the limits of this State; two dollars and fifty cents per hundred dollars on the capital stock of all incorporated importing and exporting companies, and on the capital employed by unincorporated companies and individuals in importing and exporting, and all incorporated and unincorporated express companies or express firms—said stock and capital to be taxed upon its market value upon the first day of October last—said value to be decided by the Comptroller General; fifteen per centum upon all premiums taken in this State by incorporated insurance companies, and by the agencies in this State acting in behalf of insurance companies and underwriters without the limits of this State; three dollars and fifty cents on every hundred dollars of the amount of sales of goods, wares and merchandise, embracing all articles of trade for sale, barter or exchange, (the products of this State and the unmanufactured products of any of the States of the Confederate States, when sold by the producer, excepted,) which any person shall have made from the first day of January, in the year of our Lord one thousand eight hundred and sixty-four, to the first day of January, in the year of our Lord one thousand eight hundred and sixty-five, either on his, her or their capital, or borrowed capital, or on account of any person or persons as agent, attorney or consignee; ten dollars upon every hundred dollars of the amount of sales of goods, wares and merchandise whatever which any transient person, not resident in this State, shall make in any house, stall or public place, whether the said sale be made by sample or otherwise; one hundred and twenty dollars a day on all circus exhibitions; eighty dollars per day for representing publicly for gain and reward any play, comedy, tragedy, interlude or farce, or other employment of the stage, or any part therein, or for exhibiting wax figures, or other shows of any kind whatever, to be paid into the hands of the Clerks of the Courts, respectively, who shall be bound to pay the same into the Treasuries of the State of South Carolina, except in cases where the same is now required by law to be paid to incorporations or otherwise; one per cent. on all moneys loaned, moneys at interest, all moneys invested in the stocks or bonds of any individual, State or corporation, other than bonds or stocks of this State or of the Confederate States, and other than the stocks of the banks and railroad companies of this State, and other than the stocks of other companies whose capitals are taxed by this Act: *Provided*, Such railroad companies carry all packages over their roads free of charge to the Central Association in Columbia, to be by them forwarded to the soldiers in the army; fifteen dollars for every hundred dollars of gross receipts of all commercial agencies within the limits of this State; two dollars on every pack of playing-cards sold in this State; two hundred dollars upon every billiard table within this State, used to and for the purpose of raising revenue therefrom.

Importing and Exporting, Express and Insurance Companies.

Goods, wares and merchandise.

Transient merchandise.

Moneys invested.

Commercial agencies.

Playing cards. Billiard tables.

Taxes, to whom payable.

II. All taxes levied on property, as prescribed in the first Section of this Act, shall be paid to the Tax Collector for the tax District in which said property is located: *Provided*, That where negroes have been removed from any District or Parish, by reason

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of the dangers arising from the invasion or occupation thereof by the enemy, it shall be lawful to pay the taxes upon the same to the Tax Collectors of the Districts or Parishes from which said negroes were removed. That all taxes levied on property in this State, during the continuance of the war between the Confederate and the United States of America, may be paid in Confederate notes or other current funds. The commissions to be received by the various Tax Collectors of this State for the year commencing on the first day of October, one thousand eight hundred and sixty-four, shall be at the rate of thirty per centum of the commissions now allowed them by law, except such Districts and Parishes where, by such reduction, the Tax Collector will receive less than eight hundred dollars per annum.

Police taxes,
returns of.

III. The Tax Collectors in the the several Districts and Parishes in this State, in their returns hereafter to be made, are hereby required and enjoined to state the precise amounts of taxes collected by them for supporting the police of the said several Districts and Parishes aforesaid, stating the rates per centum on the amounts of the State tax collected for said District and Parish police purposes, and the total amount of commissions received by each and every of such Tax Collectors, and the rate per centum of his commissions, and the Comptroller General shall return the same in his report.

Returns of
free negroes.

IV. Free negroes, mulattoes and mestizoes are hereby required to make their returns and pay their taxes during the month of April; and the Tax Collector of St. Philip's and St. Michael's is allowed until the month of June to receive the taxes of white persons.

Sullivan's Is-
land exempted

V. The lots and houses on Sullivan's Island shall be freed from taxation during the existing war between the Confederate and the United States of America, the same being used by the troops of the Confederate States, or by the works for defense.

Time of collec-
tion extended.

VI. That the Tax Collectors be authorized to extend the time for the receipt, and also for the payment of taxes, and also for the payment thereof into the Treasury of this State, for a period of thirty days beyond the periods therefor hitherto fixed by law.

Commissions
of Tax Collect-
ors.

VII. That the Tax Collectors whose commissions were paid in the old issue of Confederate Treasury notes after the first of April, one thousand eight hundred and sixty-four, are hereby declared to be entitled to payment out of the Treasury for the loss sustained by them by reason of the tax of thirty-three and one-third per cent. levied on the said notes by the Confederate Government; and the Comptroller General is hereby authorized to draw upon the Treasury in favor of the said Tax Collectors for the amount due to them respectively under this provision.

State Auditor
to prepare
claims against
the Confed-
erate Govern-
ment.

VIII. That the State Auditor shall prepare and present for adjustment and settlement all claims of this State against the Confederate States, and all other claims of the State arising out of the existing war, or which may be referred to him by the Governor, and shall receive all moneys that may be acknowledged and paid by the said Government of the Confederate States, or by other parties on account of the said claims, and deposit the moneys so received in the Treasury of the State, together with a particular account thereof, and make a report thereon to the Legislature at the regular session next succeeding the date of the said settlement.

IX. That in order to relieve the burden of taxation, the net profits of the Bank of the State for the last fiscal year, amounting to eight hundred and eighty-three thousand and fifty-five dollars and seventy-six cents, be used toward the payment of the appropriations made by this General Assembly at its present session, and that a sufficient amount of railroad stocks now held by the State, to be selected by the President of the bank, be, and the same is hereby, pledged to the bank at the present value of the said stocks, as a security for the profits so used.

A. D. 1861.

Net profit of
Bank of the
State applied
to reduction of
taxes.

X. That the President of the Bank of the State and Comptroller General be, and they are hereby, authorized to raise, temporarily, and in such manner as they may deem proper (other than by the issue of State bonds,) any amount that may be required to meet the demands upon the Treasury before the payment of the taxes, and in anticipation thereof.

In the Senate House, the twenty-third day of December, in the year of our Lord one thousand eight hundred and sixty-four, and in the eighty-ninth year of the sovereignty and independence of the State of South Carolina.

W. D. PORTER, President of the Senate.

R. B. BOYLSTON, Speaker House of Representatives.

AN ACT TO MAKE APPROPRIATIONS FOR THE YEAR COMMENCING IN OCTOBER, ONE THOUSAND EIGHT HUNDRED AND SIXTY-FOUR. No. 4700.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the following sums be, and they are hereby, appropriated for the payment of the various officers and expenses of the State Government, that is to say: In the Executive Department: For the salary of the Governor, three thousand five hundred dollars; for the Private Secretary of the Governor, fifteen hundred dollars; for the Clerk of the Governor, nine hundred dollars; for the rent of the Governor's house, twelve hundred dollars; for the Messenger of the Governor, two hundred and fifty dollars; for the Contingent Fund of the Executive Department, ten thousand dollars, to be subject to the draft of the Governor, and to be accounted for, annually, by him, to the Legislature.

Executive department.

II. In the Legislative Department: For the pay of the members of the Legislature, and the Attorney General and the Solicitors, during the present session, and of the Committees appointed to inspect the Bank of the State and its Branches, twenty-five thousand dollars, if so much be necessary; for the salaries of the Clerks of the Senate and House of Representatives, twenty-four hundred dollars—and to the said Clerks, for the services of two Assistant Clerks, two hundred and fifty dollars for the Clerk of the

Legislative department.

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Senate, and two hundred and fifty dollars for the Clerk of the House; for the salaries of two Messengers and two Doorkeepers, each two hundred and fifty dollars; for the salary of the Keeper of the State House and Librarian, seven hundred dollars; for the salaries of the Reading Clerks of the Senate and House of Representatives, each two hundred and fifty dollars; for the services of the Engrossing Clerks, to be paid under the direction of the President of the Senate and of the Speaker of the House of Representatives, six hundred dollars; for the Printers of the Senate and House of Representatives, in pursuance of the contracts made by the Committees of both Houses, thirty-five thousand dollars, if so much be necessary, for the printing executed by the said Printers during the present session of the Legislature, the same to be paid to them as soon as the amounts of said contracts shall be ascertained by the Treasurer of the Upper Division; for the Printer, for printing in pamphlet form the Acts and Journals of both Houses, Reports and Resolutions agreed to, the Governor's Messages, Reports of the President of the Bank, Comptroller General, and State Auditor, with the accompanying documents, and such like papers, thirty-two thousand five hundred dollars, if so much be necessary: *Provided*, The number of copies specified in the proposals of the Printers, as accepted by the Legislature, shall be printed and deposited in the office of the Treasury of the Upper Division before the first day of March next, and the amount to be paid according to the proposals, which shall be ascertained by the Treasurer aforesaid: *And further provided*, That the Printer of Acts and Journals do publish in a newspaper, in Charleston or Columbia, all the public Acts which may be passed at the present session, within twenty days after the adjournment of the Legislature, and forward by mail, to each member of the General Assembly, each of the Judges, Attorney General and each of the Solicitors, a copy of such newspaper, as soon as such newspaper is issued; to Charles P. Pelham, printer of the permanent work, to pay him the balance due for public printing, seven thousand dollars, if so much be necessary; to the Keeper of the State House, for contingent expenses during the present session of the Legislature, five thousand dollars, if so much be necessary, to be accounted for by him at the Treasury, and reported by the Treasurer to the General Assembly; for stationery, fuel, distributing Acts, and expenses for election returns, seven thousand dollars, if so much be necessary; that the Clerks of the two Houses be each paid the sum of twelve hundred dollars, and that the Door Keepers, Messengers and Reading Clerks of the two Houses be each paid the sum of two hundred and fifty dollars, in addition to their ordinary salary, for their services at this session.

Judiciary
Department.

III. In the Judiciary Department: For the salary of the Chief Justice, three thousand five hundred dollars; for the salaries of the Judges and Chancellors, three thousand dollars each; for the salary of the Attorney General, eleven hundred dollars; for the salaries of five Solicitors, nine hundred dollars each; for the Clerk of the Court of Appeals, in Columbia, six hundred dollars; for the Clerk of the Court of Appeals, at Columbia, for excess of expenditures over appropriation for wood and stationery for said Court, seventy-

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five dollars; for the salary of the Messenger of the said Court, at Columbia, two hundred dollars: *Provided*, It shall be the duty of the said Messenger to summon all members of the bar who are members of the Legislature, when their cases may be called for trial; for the salary of the Librarian of the Court of Appeals, in Columbia, two hundred dollars, the same to include the expenses of fuel for the Court of Appeals and for the Library; for the salary of the Clerk of the Court of Appeals, in Charleston, six hundred dollars; for the salary of the Messenger of the said Court, two hundred dollars; for the salary of the Librarian of the Court of Appeals, in Charleston, two hundred dollars, to include the expense of fuel for the Court of Appeals and for the Library; for the salary of the State Reporter, fifteen hundred dollars; and the several appropriations aforesaid, for the Clerks, Librarians, Messengers, Reporter, and for the incidental expenses of the Court of Appeals, shall be paid by the Treasurer only upon warrant, to be drawn by the presiding Judge of the Court of Appeals, at such times and for such portions as they may deem just and proper; and it shall be the duty of the said Reporter to attend in person, or by deputy, the sittings of the Courts of Appeals and Errors, in Columbia and Charleston, and to report such arguments and statements of facts as may be necessary to a correct understanding of the decisions of the said Courts: *Provided*, That the Judges of the Court of Appeals may, if they think proper, announce the results of their decisions at certain stated periods before filing their opinions: *And further provided*, That the said Reporter shall publish, in one or more of the newspapers of Columbia, an abstract of the principles decided by the Court of Appeals in its opinions, as soon as practicable after the delivery of the same; for the pay of the Jurors and Constables, ten thousand dollars, if so much be necessary, the certificates to be paid at either Treasury.

IV. In the Treasury Department: For the salary of the Comptroller General, two thousand dollars; for the salary of the Clerk of the Comptroller General, one thousand dollars, the said Clerk to be appointed and removed at the pleasure of the Comptroller General; for the salary of the Treasurer of the Lower Division, and for Clerk hire, two thousand dollars; for the salary of the Treasurer of the Upper Division, and for Clerk hire, sixteen hundred dollars; for the Assessor of St. Philip's and St. Michael's, for making out and affixing assessments of each return, one thousand dollars; for the services of the Comptroller General, for copying tax books, two hundred dollars; and for additional compensation to the Treasurer of the Lower Division, for the performance of the additional duties imposed upon him by an Act entitled "An Act to authorize the issue of certificates of stock to provide for the military defense of the State," ratified the twenty-second day of December, in the year of our Lord one thousand eight hundred and sixty, four hundred dollars; for printing and distributing tax returns, seventeen hundred dollars.

V. For the Ordinary Civil Expenses: For the payment of the Contingent Accounts of the Upper Division, eleven thousand five hundred dollars, if so much be necessary; for the payment of the Contingent Accounts of the Lower Division, twenty-eight thousand

Treasury department.

Ordinary civil expenses.

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five hundred dollars, if so much be necessary ; for the payments of annuities and pensions, six hundred dollars, if so much be necessary ; for the payment of such claims as shall be admitted by the Legislature at its present session, fifty thousand dollars, if so much be necessary ; for the payment of such claims for slaves lost in the public service as shall be admitted by the Legislature at its present session, five hundred and seventy thousand dollars, if so much be necessary, to be paid upon the warrant of the State Auditor ; for the support of Free Schools, seventy-four thousand four hundred dollars, if so much be necessary, to be distributed among the several Election Districts in the State, in the proportion of six hundred dollars to each Representative in the popular branch of the Legislature ; for the support of the Lunatic Asylum, two hundred thousand dollars, if so much be necessary, to be paid as other appropriations for that institution, to the draft of the Chairman of the Board of Regents ; that the charge of sixteen thousand five hundred and twenty-nine dollars, and thirty-four cents, standing upon the books of the State Treasury against the Board of Regents of the said Asylum, being the amount drawn by the said Board for the support of the pauper lunatics during the past year, be cancelled ; for the education of the Deaf and Dumb, and of the Blind, forty thousand dollars, if so much be necessary, to be paid to the Commissioners in the same manner as the appropriation heretofore made ; for refunding taxes, as directed by the reports of the Committees of Ways and Means and of Finance and Banks, agreed to by the Legislature, one thousand dollars, if so much be necessary ; for compensation for slaves executed, five thousand dollars, if so much be necessary ; for the payment of the interest on two millions one hundred and fifty thousand five hundred and ninety dollars of bonds and stocks, issued for the construction of the new State Capitol, one hundred and thirty-five thousand and sixty-seven dollars ; for the payment of the interest on three hundred and ten thousand dollars of the bonds of the State, issued under an Act entitled "An Act to grant aid to the Blue Ridge Railroad," ratified the twenty-second day of December, in the year of our Lord one thousand eight hundred and fifty-nine, eighteen thousand six hundred dollars ; for the payment of the interest on the balance of four hundred thousand dollars of bonds of the State, issued for the military defense of the State, twelve thousand dollars ; for the payment of the interest on three hundred and ninety-one thousand one hundred and fifty dollars, issued for the military defense of the State, twenty-five thousand three hundred and eighty dollars and fifty cents ; for the payment of the interest on one million five hundred and fourteen thousand seven hundred and ten dollars of the bonds and stock authorized to be issued for the military defense of the State, one hundred and six thousand and twenty-nine dollars and seventy cents.

Military ex-
penditures.

VI. For Military Expenditures : For the salaries of the following officers, viz : Adjutant and Inspector General, thirty-six hundred and twelve dollars ; Quartermaster General, two thousand three hundred and forty dollars ; the Assistant Quartermaster General, fifteen hundred and sixty dollars ; Commissary General, two thousand three hundred and forty dollars ; Assistant Commissary Gen-

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eral, fifteen hundred and sixty dollars; Arsenal Keeper, in Charleston, one thousand dollars; Arsenal Keeper and Powder Receiver, at Columbia, at the rate of four hundred dollars per annum; Physician of the Jail and Physician of the Magazine Guard, at Charleston, each five hundred dollars; T. R. Aldrich, Physician of the Jail at Charleston, two hundred and fifty dollars, to reimburse him for money spent for the purchase of medicine for prisoners in said Jail; and for the support of the Military Academies at Charleston and Columbia, one hundred and forty-seven thousand two hundred dollars, if so much be necessary; and the said Military Academies shall be under the direction of the Board of Visitors: *Provided*, That each District shall be entitled to send to said Academies a number of beneficiaries equal to its representation in the House of Representatives, or in that proportion, as far as the appropriation for the school may allow; for the salary of the Assistant Adjutant and Inspector General, one thousand five hundred and sixty dollars; for the services of the Secretary of State, during the current year, for all services in issuing all military commissions, and in lieu of any charge against the State for commissions of all civil officers, eight hundred dollars, to be paid as other salaries are directed by law; to defray the expenses attendant upon the military defense of the State, two million dollars, to be paid upon the draft of His Excellency the Governor, and that an account thereof be rendered to the next regular session of this General Assembly: *And provided*, That all accounts and returns by public officers of the receipts and disbursements of funds appropriated for military purposes shall be rendered quarterly to the State Auditor for examination and audit, and the report of the Auditor thereon shall be annually transmitted through the Governor to the Legislature.

VII. For Ordinary Local Expenditures: For the support of the transient poor of Charleston, ten thousand dollars, to be paid to the City Council of Charleston, and accounted for by them to the Legislature; for the salary of the Port Physician, including boat hire and other incidental expenditures, twelve hundred dollars; for the execution of the Quarantine Laws at Charleston, one thousand dollars, if so much be necessary, to be paid to the City Council of Charleston, and expended under their direction; for the salary of the Superintendent of the Fire Proof Building in Charleston, during the present year, one hundred dollars; for the support of the transient poor of Georgetown, four hundred dollars, to be paid to and expended by the Commissioners of the Poor of Winyah, to be accounted for by them to the General Assembly; for aiding the support of a ferry at Elliott's Cut, two hundred dollars, subject to the order of the Commissioners of Roads for St Andrew's Parish; for maintaining and keeping open the Roper Hospital in Charleston, three thousand dollars, to be paid to the Medical Society, in trust for the Roper Fund, to defray the expenses of the said Hospital; for the support of the Catawba Indians, twelve hundred dollars, if so much be necessary.

Ordinary local expenditures.

VIII. For Extraordinary Expenditures: For the support of the transient poor of Columbia, two thousand dollars, to be paid to the City Council of Columbia, and accounted for by them to the General Assembly; for the Marine School of Charleston, ten

Extraordinary expenditures.

A. D. 1864.

Proviso.

thousand dollars, to be paid to the Charleston Port Society, upon the draft of the President, countersigned by the Secretary; the sum of twenty-five hundred dollars, to be paid to William J. Rivers, to be paid as the salaries of other officers of the State are paid by law, for recording the names of those who have fallen in the war, either by disease or wounds, and he shall report at the next regular session of the General Assembly; to James Tupper, Esq., Auditor, five thousand dollars, to be paid to him as are the salaries of other officers, and also such amounts as shall be necessary to defray his expenses for stationery and printing, in addition to his salary; for the Central Association for the Relief of South Carolina Soldiers, the sum of one million dollars, if so much be necessary, to be paid upon drafts of their Chairman, countersigned by their Treasurer, to be expended in purchasing and forwarding to our soldiers, and to such of our prisoners as are in the hands of the enemy, shoes, blankets, clothing, and other articles of necessity, and in such other manner as may conduce to the comfort and welfare of our soldiers, and that the said Association do account therefor quarterly before the State Auditor: *Provided*, That the Agent of said Association shall, when he delivers such articles to the Quartermasters of Regiments, take a receipt therefor, which receipt he shall transfer to the State Auditor as a claim against the Confederate Government; for the relief of the families of soldiers, the sum of four hundred and fifty thousand dollars, to be paid as directed by the Act passed at the present session of the Legislature "To provide for the relief of the families of the soldiers, sailors and marines in the service of the State or the Confederate States," and the Boards of Soldiers' Relief shall respectively make an annual report on the first day of November of each year to the State Auditor, to be by that officer consolidated and reported to the next succeeding Legislature; the sum of seven thousand five hundred dollars, to be paid to George W. Morse on his draft, as compensation for the use of his patent in constructing the breech-loading carbine, and his other inventions for the improvement of fire-arms, to be paid as the breech-loading carbines now being manufactured at the State Works are completed, at the rate of fifteen dollars for each carbine; for the salaries of three assistants of the Auditor, to be appointed by him, six thousand dollars; for the salary of John R. Niernsee, Acting Superintendent and Architect of the New State House, three thousand dollars, to be paid as the salaries of other officers; to carry into effect the Act passed at the present session "To provide for the relief of the families of the soldiers, sailors and marines in the service of the State or the Confederate States," five thousand dollars, if so much be necessary, to be drawn by the State Auditor and accounted for by him to the next regular session of the Legislature; for the Wayside Home, at Charleston, fifty thousand dollars, to be drawn by the Treasurer of the said Wayside Home; for the Wayside Home, at Columbia, fifty thousand dollars, to be drawn by the Treasurer of the said Wayside Home; for erecting temporary barracks for Cadets of the Citadel Academy, fifteen thousand dollars, to be drawn as other appropriations for the State Military Schools; for the services of General James Jones, as Chairman of the Board of Visitors of the Military Schools in this State, and as Superintendent

of the Card Factory of the State, five thousand dollars; two thousand dollars for keeping in repair the State Road over the Saluda Gap, if so much be necessary, to be paid to, and expended by, the Commissioners of Roads of the Upper Regiment in Greenville District, to be accounted for to the Legislature agreeable to the report of the Committee on Internal Improvements; for extra services of the Comptroller General, during the past two years, in carrying out the provisions of the law in relation to the relief of soldiers' families, two thousand dollars, to be drawn by that officer; five thousand and twenty-two dollars and fifty-five cents, to cover the expenses of the Commissioners on the Code of the Statute Law of the State, pursuant to the resolutions of the Legislature heretofore passed.

IX. That the sum of twenty thousand dollars, if so much be necessary, be, and is hereby, appropriated, to be paid out of the Military Fund, for the pay of the Medical and Engineer Departments of this State, to be organized by His Excellency the Governor.

A. D. 1864.

In the Senate House, the twenty-third day of December, in the year of our Lord one thousand eight hundred and sixty-four, and in the eighty-ninth year of the sovereignty and independence of the State of South Carolina.

W. D. PORTER, President of the Senate.

R. B. BOYLSTON, Speaker House of Representatives.

AN ACT TO PROVIDE FOR THE RELIEF OF THE FAMILIES OF THE SOLDIERS, SAILORS AND MARINES IN THE SERVICE OF THIS STATE OR THE CONFEDERATE STATES.

No. 4701.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That a tax in kind of three per cent. on the gross amount of all rice, corn, wheat, and syrup made of sorghum or other cane, produced in the year of our Lord one thousand eight hundred and sixty-four, shall be paid by the producer in every District or Parish in this State: *Provided*, That no tax be levied on corn where the gross amount of corn produced does not exceed one hundred bushels, or on syrup where the amount of syrup does not exceed fifty gallons, or on wheat where the amount does not exceed twenty bushels, or on rice where the amount does not exceed fifty bushels of rough rice: *And provided, also*, That the producer of wheat shall have leave to substitute forty pounds of flour in place of each bushel of wheat; and that a like tax of three per cent. shall be paid by the owners of all toll grain-mills on all toll collected during the year one thousand eight hundred and sixty-four; and that a like tax in kind of three per cent. shall be paid by the manufacturer upon the gross amount of all cotton and woolen goods, including yarns, and upon all iron, and upon nails and other iron wares, cotton and wool cards, hats, caps, paper, stoneware and pottery, leather, shoes and boots, salt and copperas, spirituous liquors, terebene oil and turpen-

Tax in kind.

Certain quantity exempted.

Tax on toll of grain.

Tax on manufactures.

<p>A. D. 1864.</p> <p>Commutation in money.</p>	<p>tine, manufactured within this State during the year one thousand eight hundred and sixty-four, except such as may have been made for his or her own use, and not for sale or barter: <i>Provided</i>, That upon all articles made for the State of South Carolina, or for the Confederate States of America, the tax shall be three per cent. in money upon the amount received from the State or the Confederate States for such manufactures.</p>
<p>Boards of relief.</p>	<p>II. That there shall be annually appointed by the General Assembly; upon the nomination of the delegation in both Houses from each election District in this State, a Board, to consist of not less than three, nor more than twenty-four members, who shall be above the age of forty-five, or exempted from Confederate military service. The said Boards shall divide their respective Districts or Parishes into sections equal to their own number, assigning one member of the Board to each of these sections. The said Boards shall be, and are hereby, authorized to fill all vacancies in their own number arising from any cause; they shall meet upon the call of their Chairman, as well as by their own resolution, and a majority of each Board shall constitute a quorum. They shall receive blanks from the office of the State Auditor, upon which they shall make quarterly returns to the State Auditor of all their transactions, and shall also furnish an annual report to the State Auditor, by the first day of November, one thousand eight hundred and sixty-five.</p>
<p>Secretary and Treasurer.</p>	<p>The said Boards shall each appoint a Secretary and Treasurer from their own body or otherwise, who shall be above the age of forty-five years, or exempted from Confederate military service, who shall keep a record of all transactions, and be responsible to the Board, and shall give a bond for the faithful performance of the duties of his office, payable to the State, in such sum and with such sureties as the Board may direct. He shall receive, as a compensation for his services, one per cent. on the amount of money passing through his hands. The members of these Boards, with their respective Treasurers, shall not be liable to do militia duty outside of the Judicial District within which they reside.</p>
<p>Duties.</p> <p>Compensation.</p>	<p>III. That for the purpose of ascertaining and collecting the tax in kind on rice, corn, wheat and syrup, levied by this Act, the above mentioned Boards shall adopt, as the basis upon which they are to assess said tax, the amount of the product of each producer as returned to the Confederate Assessor for the year one thousand eight hundred and sixty-four as the tax in kind of the Confederate Government, adding thereto, however, in each instance, the amount deducted by the Confederate Assessor for the raising and fattening of pork, and including the crops of all producers who raise more than one hundred, and less than two hundred, bushels of corn, which shall be ascertained by each Board by such method as to them shall seem best, or each Board may ascertain and assess this tax by such other method as to it may seem best, each Board itself to pay out of its receipts the expenses incurred by such method; and for the purpose of collecting said tax each member of a Board is hereby authorized to draw his order for said tax upon any producer within the section assigned him, to be delivered to such person or persons as may be named, and in such proportion as the Board may deem just and proper, the order to be the voucher for the payment. In</p>
<p>Basis of as- sessment.</p>	<p></p>

such sections or Districts in which it shall appear that there is an excess of provisions or manufactured articles under this Act, such excess shall be delivered at such time and place as the Commissioner shall order, after ten days' notice, for the purpose of being transported to other sections or Districts of the State: *Provided*, That no person shall be required to deliver his produce at a distance exceeding twelve miles from the place of production. In the event that any person liable shall fail or refuse to deliver the amount of said tax on the order of the Commissioner within the time prescribed, the Commissioner in charge, or some person for him, shall give information thereof, on oath, to the Chairman of the Board, who, on receipt of such information, is hereby authorized, after two days' notice to the delinquent, to issue an execution against the delinquent, directed to the Sheriff of the District, requiring him to levy and seize double the amount of the articles in kind for which the delinquent was liable, if to be found; and if not, then to levy and collect of his goods and chattels three times the amount of the market value of the tax in kind, said market value to be estimated by the Board, whose decision shall be final; the cost of the proceedings to be paid by the defaulter, to be regulated by the fee bills for Sheriff's costs in cases of executions issued from the Courts of law: *Provided*, That if any tax-payer shall satisfy the Board, either by his own oath or by the testimony of others, that, prior to the ratification of this Act, he, the said tax-payer, had consumed, or sowed, or sold, the whole quantity of wheat which he may have raised during the year, then the said tax-payer shall, and may, pay his wheat tax by substituting corn therefor at the rate of a pound of corn for a pound of wheat.

IV. That in all cases where planters have been, or may be, required by the Confederate or State authorities to deliver, on or before the first of January next, all their surplus corn, for the use of the army, they shall be allowed to commute with the Board for the corn due by them at Confederate prices: *Provided*, They satisfy the Board that they have in good faith furnished all their surplus corn as aforesaid: *And provided, further*, That the Board thus compelled to receive money in commutation shall have the right to call upon the Commissary General of the State to obtain for the Board from the Confederate Government the amount of corn thus commuted for at the prices paid by the Confederate Government.

V. That for the purpose of ascertaining and collecting the tax in kind on manufactured goods mentioned in the first Section of this Act, the Boards in the Districts in which such manufactories may be situated shall require the owner or owners, or person or persons in charge of such manufactories, to deliver to the said Boards, on or before the first of February next, three per cent. in kind of all goods taxed in kind under the first Section of this Act, which have been manufactured or produced at their respective establishments during the year one thousand eight hundred and sixty-four, or three per cent. in money on all money due under the first Section of this Act; and it shall be the duty of each Board to report to the State Auditor the amount, kind and quality of such manufactured articles, and the amount of moneys so received; and the said Board shall hold the articles received as tax in kind, subject to a

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Excess, how
disposed of.

Penalty for
failure to de-
liver.

Proviso.

Commutation
in certain
cases.

Tax on manu-
factured goods
to be delivered

Boards to re-
port to Audi-
tor.

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To pay to
Auditor all
money re-
ceived.

Penalty for
neglect to
make returns
and pay tax.

Commutation.

Appropriation.

Distribution
of money and
taxes.

Persons enti-
tled to receive
aid.

distribution amongst the several Boards, to be made by the State Auditor, as hereinafter provided; and the Board shall pay over to the State Auditor the money received, which shall be held by him liable to distribution, as hereinafter provided. In the event that any manufacturer or manufacturing company, or any other person or persons upon whom is levied this tax in kind for articles made or manufactured, shall fail or refuse to make returns on oath, (which oath either of said Commissioners is hereby authorized to administer,) on or before the first day of February next, it shall be the duty of the Board to notify the party, his or her clerk or agent, that, unless the return be made within ten days after such notification, the Board will proceed to estimate the amount of his manufactured products, which they are hereby authorized to do, and to assess upon him a tax in kind of six per cent thereon; and the Chairman of the Board shall issue an execution to the Sheriff of the District, requiring him to levy and collect the articles in kind for which the delinquent is liable, if to be found; and if not, then to levy and collect of his goods and chattels three times the amount of the market value of such tax in kind—said market value to be estimated by the Board, whose decision shall be final: *Provided*, That when it shall appear that in good faith the article manufactured has been disposed of before the ratification of this Act, and cannot be supplied in kind by the party, then the Board, if in its judgment it shall seem just, is hereby authorized to allow commutation; and the rate of commutation thus allowed shall be fixed by the Board at their estimate of the market rate of the article on the first of March, one thousand eight hundred and sixty-five, and the decision of the Board as to the market value shall be final.

VI. That the sum of four hundred and fifty thousand dollars be, and the same is hereby, appropriated for the purposes of this Act, which amount shall be raised exclusively from subjects of taxation not embraced in this Act; that is to say, it is not to be raised from lands, negroes and capital invested in manufacturing establishments engaged in manufacturing the articles enumerated in the first Section of this Act. The amount of money thus appropriated shall be paid to the order of the State Auditor, and shall be disposed of by him as hereinafter provided.

VII. That the said money, together with the tax in kind levied under the first Section of this Act, shall be, and is hereby, appropriated to the relief and support of the indigent families of the soldiers, sailors and marines of this State, who have been, are now, or hereafter may be, in the military or naval service of the State of South Carolina or the Confederate States of America, and shall be distributed to the Boards of Relief of the several Election Districts in proportion to the number of individuals in their respective Districts on the first of February next, who may be entitled to receive aid or support according to the provisions of this Act. And it is hereby provided that the persons thus to receive support shall be the wives or widows of said soldiers, sailors and marines, their children under twelve years of age, (the Board to assist older children only in extreme cases,) and such other persons, not actually in military service, as, in the judgment

of the respective Boards, were or are dependent on the labor of the soldier, sailor or marine, and are incapable of self-support—the case of each claimant to be decided, not by a single Commissioner, but by the Board itself. The amount of rice, corn and wheat to be furnished to each individual entitled to relief shall not, in the aggregate, exceed ten bushels per annum, to be furnished in such proportions as the respective Commissioners may find most expedient; and in order to attain, as nearly as practicable, to equality, each Board of Commissioners shall prepare and forward a special return to the State Auditor, on or before the first day of March next, setting forth the names and number of persons within their respective Districts or Parishes to be provided for, and what amount of produce of each kind they have received or are entitled to; and it shall be the duty of the Auditor, on receipt of said returns, to make a tabular statement, showing the number to be provided for in each District, the amount received by each Board, and the distributive share to which the total quantity of grain and other supplies will entitle each individual to be provided for as aforesaid; and the Auditor is hereby authorized to issue requisitions upon those Boards having an excess over the average supply, and in favor of those Boards whose supply is deficient. And the Auditor is hereby authorized and directed to have the excess transported to the respective Districts, and to obtain such assistance in said transportation as may be necessary—the expense of such transportation to be paid out of the commutation fund and the moneys appropriated under this Act; and the Auditor is hereby authorized to retain, in any division of the said funds, an amount sufficient to defray said costs, and only to make a final division of the whole amount after such transportation has been effected: *Provided, nevertheless,* That no excess shall be drawn from any District which shall not leave the amount of five bushels of grain for the whole year for each individual thus assisted: *And provided, further,* That when the amount of five bushels of grain for each individual assisted is neither furnished to the Board from the Election District itself, nor from the excess drawn from other Districts, the Board of such Election District is authorized to purchase such an amount of grain as shall make up the deficiency, so as to give to the Board five bushels for each person under its charge; and the amount thus expended in such purchase shall, upon the order of the Chairman of the Board upon the State Auditor, be refunded from the money appropriated under this Act, and from the funds which may be received for commutation: *Provided, nevertheless,* That it is hereby enjoined upon the respective Boards that such deficiencies be supplied at the cheapest rates possible; and for this purpose they are hereby authorized, if it shall appear best, to make such purchases through the Commissary Department of the State. After so much of the funds appropriated or obtained under this Act shall have been so expended as to secure to the Boards five bushels of corn for each individual under their charge, the balance of the funds shall be distributed, as soon as practicable, to the respective Boards, upon the order of the Chairman of each upon the State Auditor—said distribution to be made to the Boards in proportion to the number of individuals

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Amount of
relief to be
granted.

Auditor to
prepare state-
ment.

Minimum
amount of
grain for each
person.

Distribution
of money.

A. D. 1864.

under the charge of each Board on the first day of February, one thousand eight hundred and sixty-five: *Provided*, That if any of the Board shall fail to render to the State Auditor the statement of the number of their beneficiaries before the first day of March next, the Auditor shall take the last statement received by him from the said Board of the number of persons under its charge as the basis upon which he shall proceed to make the distribution: *And provided, further*, That the provisions of this Act, as to the payment of excess by the several Boards, shall have been complied with.

Division of
tax in kind.

VIII. The tax in kind levied upon the various manufactured articles in the first Section of this Act, and embracing all the articles named except rice, corn, wheat and syrup, shall be divided out in kind, so far as practicable. The Board of each District shall be entitled to receive as many packages or pounds, or other measures, as shall be equal to the number of individuals under its care, or any multiple or proportion of such number, whenever the articles thus manufactured in the State will allow of this division, and shall be required to use every practicable means of distributing these articles in kind, if they be needed. Wherever, upon such division, any surplus remains, or where the article manufactured is, in the opinion of the Board and of the State Auditor, incapable of distribution, it shall be lawful for the Board which collected the same, with the advice and consent of the said State Auditor, to sell at auction the manufactured articles at a time and place to be mutually fixed by the Board and the Auditor, or, in the event of disagreement, by the Governor of the State; and the proceeds of the sales thus made shall be received by the State Auditor and distributed to the respective Boards, in like manner and according to the same provisions with the other moneys appropriated or collected under this Act.

Surplus, how
disposed of.

Limit of year.

IX. The Boards provided for by this Act shall be known as the Soldiers' Boards of Relief. The term year, as used in this Act, is not the fiscal year of the State, beginning October first and ending September thirtieth, but the calendar year, beginning with the first day of January and ending with the thirty-first day of December.

Duties of Com-
missary Gene-
ral.

X. That the Commissary General of the State is authorized to render such assistance to the State Auditor, in the discharge of the duties imposed upon the latter officer by this Act, as may be requisite, and not inconsistent with the regular duties of the department of the Commissary General.

Board to de-
liver excess.

XI. No Board shall be entitled to draw any portion of the commutation fund, or the money appropriated by this Act, until it shall have paid over to those Boards entitled to receive it any excess which it may owe for the year one thousand eight hundred and sixty-five, according to the distribution to be made by the Auditor from the returns to be made to him on the first of March next; and the excess of the tax in kind upon grain and manufactured articles for the relief of soldiers' families in this State, for the year one thousand eight hundred and sixty-four, now remaining in the hands of any of the various Boards of Relief, or due to them by any person or persons, shall be delivered, upon the requisition of the Auditor of this State, to such Boards as have not received their *pro rata* shares; and the Auditor is authorized and required to make such requisitions, and procure the distribution of said tax in kind as early

as practicable, upon such principles as, in his judgment, may seem most equitable and just. A. D. 1864.

XII. In the event that any District Board shall refuse or neglect to send the excess due by it to another District, no person who shall be a member of the Board at the time of such refusal shall be eligible to membership upon it thereafter, unless he can show his want of complicity in such refusal. Penalty for neglect.

XIII. The families of free negroes who have been employed in the military service of the State of South Carolina, or the Confederate States of America, as laborers or otherwise, shall be entitled, at the discretion of the respective Boards, to the benefit of the provisions of this Act. Families of free negroes entitled.

XIV. That the several Boards of Relief in the Election Districts are hereby authorized, in their discretion, to purchase provisions and necessaries for the benefit of the soldiers' families with the money appropriated under this Act. Board authorized to purchase provisions.

XV. That all Acts and clauses of Acts inconsistent with the provisions of this Act be, and the same are hereby, repealed.

In the Senate House, the twenty-third day of December, in the year of our Lord one thousand eight hundred and sixty-four, and in the eighty-ninth year of the sovereignty and independence of the State of South Carolina.

W. D. PORTER, President of the Senate.

R. B. BOYLSTON, Speaker House of Representatives.

AN ACT TO REPEAL ALL ACTS AND PARTS OF ACTS HERETOFORE PASSED BY THE LEGISLATURE OF THIS STATE ON THE SUBJECT OF FURNISHING SLAVE LABOR ON THE COAST AND FORTIFICATIONS WITHIN THIS STATE, AND OTHERWISE TO PROVIDE FOR FURNISHING SUCH LABOR. No. 4702.

PASSED BY THE LEGISLATURE OF THIS STATE ON THE SUBJECT OF FURNISHING SLAVE LABOR ON THE COAST AND FORTIFICATIONS WITHIN THIS STATE, AND OTHERWISE TO PROVIDE FOR FURNISHING SUCH LABOR.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That in order to furnish the necessary slave labor to work on the coast of this State and the fortifications within the limits of the same, there shall be organized a force, consisting of male slaves between the ages of eighteen and fifty years, liable, under existing laws, to road duty, not exceeding in number, at any one time, of one-tenth part of said slaves, to serve for the term of twelve months from the date of their impressment, subject, however, to the right of their respective owners, at the expiration of every three months of said term of service, to substitute other slaves so liable to road duty in their place, and who, by such substitution, shall constitute a portion or the whole of said force, as the case may be, from the respective dates of such substitution. This force shall be raised by a general impressment throughout the whole State, whenever His Excellency the Governor may order or direct such agent of the State as he may Force of slaves to be organized.

Impressment of slaves.

A. D. 1864.

appoint to make such impressment, under the provisions of this Act. But if the impressment of a less number than one-tenth would produce should be found to be sufficient, then the impressment shall be made on the State at large, according to one uniform rule of equality, to be prescribed in the order of the Governor directing such impressment to be made by the State Agent; and whatever number greater than ten shall be so prescribed as a divisor to make the apportionment by, no fraction of slaves, either below or above such number selected as a divisor, shall be considered or taken into the apportionment, unless it is at least one-fifth or more of such divisor; and in such cases, the fraction of one-fifth shall be taken by requiring the party owning it to furnish one hand for two months, with the same right of substitution as in case of whole numbers; and the same rule as to fractions shall be observed, where the number ten is used as the divisor in making the apportionment.

State Agent.

II. It shall be the duty of His Excellency the Governor to appoint a State Agent, such Agent to be selected from the class of persons not liable to conscription in Confederate military service, if the services of a suitable Agent can be secured from said class, who shall receive for his services the pay of a Lieutenant Colonel of infantry, as allowed by the Confederate Government, during his employment, to be paid to him monthly by the State.

Pay.

Duties of State Agent.

Sheriffs.

Commissioners of Roads.

III. That it shall be the duty of the State Agent aforesaid, immediately on the reception of any order from His Excellency the Governor, to make impressment of slaves under the provisions of this Act, to extend such order to the Sheriffs of the several Judicial Districts of the State, whose duty it shall be to execute the same in their respective Districts; and it shall be the duty of the Commissioners of Roads and the authorities of incorporated cities, towns and villages, and such other person or persons as the State Agent may appoint, to furnish to the Sheriffs of their respective Districts, within thirty days after the passage of this Act, a full and correct return of all male slaves liable to road duty within their respective jurisdictions—which returns shall be based on statements furnished by the owners of such slaves, sworn to in writing—such statements to be returned to the Secretary of the Boards of Commissioners of Roads, and by them kept on file. And it shall be the duty of the said Sheriffs, upon being duly notified by the said State Agent of any order for the impressment of slaves as aforesaid, thirty days before, to summons all owners liable under said order to furnish slaves to have the slaves so liable at the respective depots, and at the proper time, giving ten days' notice thereof to the owners, for transportation to the place of labor as may be directed by said order. And the said Sheriffs shall, in their respective Districts, with the assistance of a respectable loyal citizen, to be chosen by the owner of each slave, if he will, and if not, by the Sheriff, appraise said slaves on their delivery at said depots—and in case of their disagreement, they shall select a third citizen of like qualification, whose decision shall be final—and give receipts to the owners for them, specifying in said receipts the names of the slaves, the valuation put upon them, and the term of service for which they are impressed—a duplicate of which receipts shall also be furnished by the several Sheriffs to the State Agent. And if, upon the day

Sheriffs to summon owners to send slaves.

Appraisement of slaves.

and at the place so notified, any owner of slaves so liable shall fail to have them in readiness, then the Sheriff of the District where such owner resides shall immediately arrest such slaves and send them forward to the place of labor—the costs of such arrest, subsistence of slaves, and transportation, to be paid by the defaulting owner, and to be taxed and collected as other costs now are by law. And where there is such default, failure, or refusal to send slaves, after due summons to the owners by the Sheriff, and the said slaves are taken by the Sheriff, the slaves of such defaulters shall labor and serve on the military defenses for twice the period of time specified in the call made by the Governor: *Provided*, That the slaves thus furnished shall not be detailed for any other service than such work as is intimately connected with the defense of this State.

A. D. 1864.

Defaulters to
be arrested and
forwarded.

IV. That the State Agent may, with the consent of the Governor, appoint such other sub-agents as may be found necessary and proper to the execution of the provisions of this Act. But in no case shall he appoint any person as such agent who is liable to conscription in Confederate service, and physically able for active service in the army. Such agents shall be paid by the State eight dollars per day for their services, at the end of each month.

Sub-Agents
to be appointed.

V. The respective Sheriffs, for their services rendered under the provisions of this Act, shall be paid by the State eight dollars per day while actually engaged in the discharge of said duties, besides their costs for arrests and fees for dieting prisoners so arrested in pursuance thereof, which latter shall be paid by the owners of said prisoners.

Compensation
of Sheriffs.

VI. That the pay for such slaves shall be eleven dollars per month, and be furnished with sufficient rations and two suits of clothes during the term of one year, or one suit of clothes every six months, including two pairs of shoes and one hat for the year, by the State, or a fair commutation in money for the clothing, if furnished by the owner. And it shall be the duty of the State Agent to certify the pay-bills for the pay of the said slaves for their respective owners, specifying the number of said slaves, the time they have been employed, and the names of the owners; which bills so certified shall entitle the owners, by themselves, or their order endorsed thereon, to receive the same from the State, and said bills shall be forwarded to the Sheriffs of the respective Districts where the owners reside, to be delivered by them to said owners.

Pay and ra-
tions for slaves.

State Agent to
certify bills.

VII. That the Commissioners of Roads, city, town and village authorities, for neglect of any of the duties required of them respectively by this Act, shall be liable to indictment, and, upon conviction, fined in a sum not exceeding one hundred dollars. And that any Sheriff who shall neglect or refuse to discharge any of the duties required of him by this Act, shall be liable to be indicted and punished, upon conviction, as for a misdemeanor, in addition to liability on his official bond to any person who may have been aggrieved by such default.

Penalty for
neglect of duty.

VIII. That it shall be the duty of the State Agent to visit all the camps of the laborers, to examine their condition, to observe their treatment and discipline, to examine their food, both as to quality and quantity, and to see that it is the proper rations for each, as is allowed by law, as well as their clothing, and especially

State Agent
to visit and in-
spect slaves.

A. D. 1864.

to inform himself as to their medical and surgical attendance and care, and, whenever required, to report the same to the Governor; and, particularly, at the conclusion of the term of service of each levy, it shall be his duty to make such report to the Governor, in whose possession it may be open for examination by the owners of the said slaves. And it shall also be his duty to prohibit the infliction of corporal punishment by one slave upon another, and shall require that if a slave is to be punished for any default of his duty, the punishment shall be administered by a white man in authority.

Penalty for neglect of duty.

And for the neglect or refusal of said agent to discharge faithfully any of his duties as prescribed by this Act, he shall be subject to removal from office by the Governor, as well as liable to an action for damages by any individual who has been injured by his negligence or default of duty.

Transportation to be furnished.

IX. Transportation shall be furnished by the State Agent for slaves impressed under this Act, at the expense of the State, going to and returning from the place of labor home and in returning, also with sufficient rations to last them home; and transportation shall be furnished in like manner for substitutes in going to and returning from said place of labor. And an account shall be kept by said agent of all expenditures incurred and paid by the State in providing the slave labor aforesaid, and in carrying this Act into full execution, which shall be annually deposited by him in the office of the Governor of the State, to be presented or preferred by him as a claim by this State against the Confederate Government for payment. And that the funds necessary to pay all expenditures incurred under the provisions of this Act shall be paid out of the funds of the public Treasury not otherwise appropriated, upon the presentation of the pay-bills signed by the State Agent.

Expenses to be paid out of public funds.

Slaves to be returned to owners.

X. It shall be the duty of the Governor and the State Agent to have all slaves returned to their owners upon the expiration of the term of service for which they were impressed; and the owners of such as may have been killed, or died from disease, during their term of service, shall not be liable to supply their places with other slaves for the unexpired portion of said term of service.

Impressment by Confederate Government.

XI. If the Confederate Government should make any impressment of slave labor over and above what is to be furnished by the provisions of this Act, in view of greater emergencies than are contemplated in this Act, then and in that event the owners of such slaves shall have credit as for so much labor furnished for coast duty.

Repeal of former Acts.

XII. That all Acts and parts of Acts heretofore passed by the Legislature of this State on the subject of furnishing labor on the coast or fortifications be, and the same are hereby, repealed.

In the Senate House, the twenty-third day of December, in the year of our Lord one thousand eight hundred and sixty-four, and in the eighty-ninth year of the sovereignty and independence of the State of South Carolina.

W. D. PORTER, President of the Senate.

R. B. BOYLSTON, Speaker House of Representatives.

AN ACT TO PROCURE SUPPLIES AND FURNISH THE IMPLEMENTS OF AGRICULTURAL AND MANUFACTURING INDUSTRY FOR THE SOLDIERS AND PEOPLE OF THE STATE OF SOUTH CAROLINA, BY THE PURCHASE OF A SHIP OR SHIPS, AND THE IMPORTATION AND EXPORTATION OF CARGOES.

A. D. 1864.

No. 4703.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That for the purpose of procuring supplies for the soldiers of the State of South Carolina, and arms for its defense, and agricultural and mechanical implements and stores for the benefit of its people, one or more vessels shall be purchased and owned exclusively by the State.

Purchase of
vessels.

II. That for such purchase there shall be appropriated the proceeds of the stocks or bonds authorized to be issued under an Act entitled "An Act to procure supplies and furnish the implements of agricultural and manufacturing industry for the soldiers and people of this State, by a union of the State with the Importing and Exporting Company of South Carolina," ratified on the seventeenth day of December, in the year of our Lord one thousand eight hundred and sixty-three.

Appropriation.

III. That a Commission, to consist of the Governor of the State, the President of the Bank of the State of South Carolina, and Messrs. Theodore D. Wagner, William C. Bee, J. K. Sass, Rufus M. Johnson and James P. Boyce, is hereby created, who shall have charge of the funds appropriated under this Act, and shall employ them, and any profits arising from exporting and importing, in the purchase of a vessel or vessels, and in the purchase and exportation of cotton and other products, and in the purchase and importation of such supplies as may be needed by the State of South Carolina, or the soldiers or citizens thereof—making such distribution of articles imported, and through such channels as may most effectually accomplish the objects of this Act; and that they report annually to the Legislature.

Commission.

IV. That any agent or agents appointed by the said Commissioners shall receive for his or their services a fixed salary.

Salary of
Agents.

V. That no freight on private account shall be exported or imported in such vessel or vessels so to be purchased and owned, except when for the manifest advantage of the State, and actually necessary for the better accomplishment of the purposes of this Act.

VI. That the Governor be, and is hereby, authorized to supply any vacancies in the said Commission, from death, resignation or otherwise.

Vacancies,
how filled.

In the Senate House, the twenty-third day of December, in the year of our Lord one thousand eight hundred and sixty-four, and in the eighty-ninth year of the sovereignty and independence of the State of South Carolina.

W. D. PORTER, President of the Senate.

R. B. BOYLSTON, Speaker House of Representatives.

A. D. 1863.

No. 4704.

AN ACT TO AUTHORIZE THE GOVERNOR TO REQUIRE THE EXEMPTION OF CERTAIN STATE OFFICERS AND OTHER PERSONS FROM CONFEDERATE SERVICE.

Governor required to claim certain exemptions.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the Governor be, and is hereby, authorized and required to claim the exemption from Confederate military service of the officers and members of both branches of the General Assembly of this State, and the following State officers, to-wit: Lieutenant Governor, Judges of the Courts of law and equity, Attorney General and Solicitors, Secretary of State, Comptroller General, State Auditor and two assistants, Treasurers of the Upper and Lower Division, Adjutant and Inspector General and one assistant, Quartermaster General, Commissary General, State Engineer and one assistant, Aides-de-Camp to the Governor, (not to exceed one to each militia brigade,) Private Secretary of the Governor and his clerk, Sheriffs, Clerks of the Court, Ordinaries, Masters, Registers and Commissioners in Equity, Tax Collectors, President, Cashier, Book-Keeper and one Teller of the Bank of the State and of each of its branches, officers and cadets of the State Military Academies, Professors of the South Carolina College, Superintendent, Physician and Keepers of the Lunatic Asylum, and Superintendent, Steward, and Teachers of the Asylum for the Deaf, Dumb and Blind.

Exemptions claimed under certain restrictions.

II. That the Governor be, and he is hereby, authorized, if the same be in his judgment necessary, and under such regulations as he may prescribe, to require the exemption of the following State officers and other persons, to wit: Members of the Board for the Relief of Soldiers' Families (who are over forty-five years of age,) President, Cashier, Book-Keeper and one Teller, now in the employment of each of the several banks in the State, the Presidents and Treasurers now in the employment of the two Savings institutions in the State, such Deputy Sheriffs as may be indispensable to the execution of the laws of the State (not to exceed one in each Judicial District,) State Agent for the supply of slave labor, one editor for each newspaper being published at the time of the passage of this Act, and such printers and pressmen as said editor may certify upon oath to be indispensable to the publication of said newspaper, the Public Printer of the State Government, and such journeymen printers as said Public Printer shall certify upon oath to be indispensable to the public printing, the Chief of the South Carolina Hospital Bureau at Richmond and his assistant, the officers and members of the Police and Fire Departments of Charleston and Columbia, and such artisans, mechanics and persons of scientific skill, and other employees as may be indispensable to the carrying on of the manufactories and public works belonging to the State, the professors and teachers of all incorporated colleges in the State, every minister of religion authorized to preach according to the rules of his church, and who was, on the first day of May, eighteen hundred and sixty-one, and at the passage of this Act, shall be regularly employed in the discharge of his ministerial duties, and is not engaged in any traffic.

III. That for the proper police of the country, the Governor is

hereby authorized, under such regulations as he may prescribe, to require the exemption from Confederate military service of such persons as he may adjudge indispensable for the government of the slaves, and the protection of the citizens and property of the State: *Provided*, That such exemptions shall not exceed, in any District, one for every two hundred slaves in said District: *And provided, further*, That the rights of overseers now having both Confederate and State exemption shall not be changed or altered by the provisions of this Act, nor shall such persons be included in the estimate of the above proviso.

A. D. 1864.

Persons
necessary for
government of
slaves.

IV. That all officers and persons who shall be so required by the Governor, pursuant to the provisions of this Act, be, and they are hereby, declared to be exempt from Confederate military service during the period for which their exemption shall be so claimed.

Exemptions
declared.

In the Senate House, the twenty-third day of December, in the year of our Lord one thousand eight hundred and sixty-four, and in the eighty-ninth year of the sovereignty and independence of the State of South Carolina.

WILLIAM D. PORTER, President of the Senate.
R. B. BOYLSTON, Speaker House of Representatives.

AN ACT TO ALTER AND AMEND THE MILITIA LAWS OF THIS STATE. No. 4705.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That from and after the passage of this Act all free male white persons within this State, between the ages of sixteen and fifty, not exempt from active service without the limits of the District in which they reside by the militia laws of this State, shall be liable to active military duty without the limits of the State, at the call of His Excellency the Governor.

Persons liable
to duty without
the State.

II. That the Governor shall have authority, whenever in his judgment it is necessary for the defense of this State, or of the adjacent States, to order out of the limits of the State such portion of those liable to active military duty, and for such a length of time, as in his judgment the exigency may require. And that, in addition to the other penalties prescribed by law for defaulters, the Governor shall be authorized to order the arrest of all such as may be liable to military duty under this Act, to the intent that they may be compelled to perform the duty devolving upon them: *Provided, nevertheless*, That he shall at no time place such militia beyond his control, so as not to be able to recall them at any moment, whenever the necessities of the State require it.

When Gov-
ernor to order
militia out of
State.

Defaulters to
be arrested.

III. That all free male white persons within the State between the ages of sixteen and sixty, not embraced in the active militia, shall be liable to military duty in cases of alarm, invasion, insurrection, or as the *posse comitatus*, anywhere within the limits of the State.

Alarm Men.

A. D. 1864.

Exemption or
detail.

IV. That the Governor shall have power to allow an exemption or detail in such special cases, either of necessity or of public interest, as in his judgment should be made, in either or both of the said classes of militia.

V. That all Acts or clauses of Acts inconsistent with this Act be repealed.

In the Senate House, the sixth day of December, in the year of our Lord one thousand eight hundred and sixty-four, and in the eighty-ninth year of the sovereignty and independence of the State of South Carolina.

W. D. PORTER, President of the Senate.

R. B. BOYLSTON, Speaker House of Representatives.

No. 4706. AN ACT TO ALTER AN ACT ENTITLED "AN ACT TO AMEND AN ACT ENTITLED 'AN ACT TO PREVENT AND PUNISH THE PLANTING AND CULTIVATING IN THIS STATE OVER A CERTAIN QUANTITY OF COTTON DURING THE PRESENT YEAR.'"

What slaves
to be counted
as hands.

Be it enacted by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That an Act entitled "An Act to amend an Act entitled 'An Act to prevent and punish the planting and cultivating in this State over a certain quantity of cotton during the present year,'" ratified on the tenth day of April, in the year of our Lord one thousand eight hundred and sixty-three, be, and the same is hereby, altered and extended so that all slaves employed in agriculture, within the meaning of said Act, between twelve years of age and sixty-five years of age, shall be counted as hands; and that all slaves under twelve years of age and over sixty-five years of age shall be excluded in the estimate of hands employed in agriculture.

In the Senate House, the twenty-third day of December, in the year of our Lord one thousand eight hundred and sixty-four, and in the eighty-ninth year of the sovereignty and independence of the State of South Carolina.

W. D. PORTER, President of the Senate.

R. B. BOYLSTON, Speaker House of Representatives.

AN ACT TO INCORPORATE CERTAIN RELIGIOUS AND CHARITABLE SOCIETIES, AND TO RENEW AND AMEND THE CHARTERS OF CERTAIN TOWNS, VILLAGES AND OTHER SOCIETIES HERETOFORE GRANTED, AND FOR OTHER PURPOSES.

A. D. 1864.

No. 4707.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That Edward J. Mims, George A. Addison, Bud. C. Bryan, John Huiet, Luther R. Gwaltney, James A. DeVoe, John Lake, Zedekiah Wadkins, Eugene Burt, Albert G. Morton, and their associates and successors, be, and they are hereby, created a body politic and corporate, under the name and style of "The Edgefield Female College, of Edgefield," for the period of twenty-one years from the ratification of this Act; and shall have power to have and use a common seal, to sue and be sued, plead and be impleaded, in any Court of this State; to make all by-laws necessary and proper for the purposes of said corporation, not repugnant to the laws of this State, with power to purchase and hold real and personal estate to an amount not exceeding one hundred thousand dollars, and the same to alien, lease or transfer, and in general to exercise and enjoy all the powers and privileges incident to such corporations.

Edgefield Female College.

II. That John J. Ingram, Henry Kelley, W. R. Coskrey, G. A. Huggins and D. E. Hodge, and their associates and successors, be, and they are hereby, created a body politic and corporate, under the name and style of "Manning Academy," in Clarendon District, for the period of fourteen years from the ratification of this Act; with power to have and use a common seal, to sue and be sued, plead and be impleaded, in any Court of this State; to make all by-laws necessary and proper for the purposes of said corporation not repugnant to the laws of this State, and generally to exercise and enjoy all the powers and privileges incident to such corporations.

Manning Academy.

III. That Robert Bryan, James H. Adams, John Burnet, H. H. Mayson and John Wooten, Trustees of Good Hope Baptist Church, in Edgefield District, be, and they are hereby, created a body politic and corporate, under the name and style of "Good Hope Baptist Church," for the period of twenty-one years, with all the rights, powers and privileges incident to such corporators.

Good Hope Baptist Church

IV. That John C. Chisolm, John A. Brice, and their associates and successors, be, and they are hereby, created a body politic and corporate, under the name and style of "New Hope Congregation," in Fairfield District, for the period of twenty-one years, with all the rights, powers and privileges incident to like bodies corporate and politic.

New Hope Congregation.

V. That James Gillam, S. Danely, J. R. Tarrant, James Creswell, Robert C. Gillam, Allen Vance and William N. Blake, the Executive Committee of the Ladies' Card Factory, of Greenwood, they and their associates and successors, be, and are hereby, created a body politic and corporate, for the term of twenty-one years, for the manufacture of cotton and wool cards, under the style and title of "The President and Directors of the Ladies' Card Factory, of Greenwood," with power to have and use a common seal, to sue and be sued, plead and be impleaded, in any Court of this State; to make all by-laws necessary for the government of said corpora-

Ladies' Card Factory, of Greenwood.

A. D. 1864.

Palmetto Ex-
porting and
Importing
Company.

Village of
Lowndesville.

Town of New-
berry.

The Sisters of
our Lady of
Mercy.

Town of Ches-
ter.

The Beech
Branch Baptist
Church.

Performance of
road duty in
towns and vil-
lages.

tion not repugnant to the laws of this State, to purchase and hold real and personal estate to an amount not exceeding two hundred thousand dollars, and the same to alien, lease or transfer, and in general to exercise and enjoy all the rights, powers and privileges incident to such corporations.

VI. That the charter heretofore granted to "The Palmetto Exporting and Importing Company" be, and is hereby, so altered and amended as to allow a majority in number of the stockholders, from time to time, to increase the capital of said corporation to an amount not exceeding three millions of dollars.

VII. That the charter heretofore granted the village of Lowndesville, in Abbeville District, be, and the same is hereby, renewed and extended for the term of twenty-one years, with all the powers to said incorporation possessed and exercised by the Commissioners of Roads, Bridges and Ferries, to lay out, work and keep in repair the several roads and streets within the incorporated limits of said village.

VIII. That the charter heretofore granted the town of Newberry, in Newberry District, be, and the same is hereby, so altered and amended as to vest in the Town Council of said town of Newberry the power to compound with all persons liable to patrol duty in like manner and upon the same conditions as the Intendant and Wardens of the town have the power to do in relation to road duty, as set forth and declared in the seventh Section of the Act of incorporation of said town, passed in 1841.

IX. That the charter of "The Sisters of Our Lady of Mercy," in Charleston, be, and the same is hereby, renewed for the term of twenty-one years, with power to hold real and personal estate to an amount not exceeding one hundred thousand dollars, and with all the other rights, powers and privileges heretofore granted.

X. That the charter of the town of Chester be, and the same is hereby, renewed for the term of fourteen years, with all the rights, powers and privileges heretofore granted.

XI. That the charter of the Beech Branch Baptist Church, in Beaufort District, be extended for twenty-one years, with all the rights, powers and privileges heretofore granted.

XII. That in the event the corporators of any incorporated town or village in this State shall hereafter refuse or neglect to appoint and organize the officers required by their Act of Incorporation, or refuse or neglect to carry out in good faith the obligations imposed by their Act of Incorporation, the Commissioner or Commissioners of Roads, in whose division or divisions such town or village, or other incorporated body, shall be located, shall be authorized and required to take charge of all such roads and streets, together with all such road-hands as may reside within the limits of such incorporation, and require the same performances of all residents within such limits as he or they is or are now authorized to do within his or their divisions generally.

In the Senate House, the twenty-third day of December, in the year of our Lord one thousand eight hundred and sixty-four, and in the eighty-ninth year of the sovereignty and independence of the State of South Carolina.

WILLIAM D. PORTER, President of the Senate.

R. B. BOYLSTON, Speaker House of Representatives.

AN ACT TO ESTABLISH CERTAIN ROADS AND CHARTER CERTAIN
FERRIES.

A. D. 1864.

No. 4708.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That Holley's Ferry, across Big Saluda River, in Edgefield District, be, and the same is hereby, rechartered for the term of fourteen years, with the same rates of toll as are now allowed by law, and vested in Daniel D. Holley.

Holley's Ferry.

II. That Hugh Giles, of Marion District, be, and he is hereby, authorized and empowered to take possession of Gallivant's Ferry, across Little Pee Dee River, in Marion District, and to hold the same to his own use and behoof, until the first day of January, eighteen hundred and sixty-six, and shall have the right to charge and receive the following rates of toll for crossing thereof, in currency, to wit: Foot passenger, ten cents; man and horse, twenty-five cents; cart and horse, fifty cents; buggy and horse, seventy-five cents; wagon and two horses, one dollar; wagon and four horses, one dollar and fifty cents; wagon and six horses, two dollars.

Gallivant's
Ferry.

III. That R. A. Bethune, John M. Plowden and R. L. McLeod, of Clarendon District, and J. G. Fort, Turner Davis and Moses Brogdon, of Sumter District, be, and the same are hereby, appointed a Commission to lay out a road, commencing at Dr. W. T. Brogdon's, on the Plowden's Mill Road, in Sumter District, by the most practicable route, running by the premises of A. Davis, Dr. R. A. Bethune, John M. Plowden, R. L. McLeod and B. E. Hodge, to intersect the Brewington and Sumter Road at or near the place of Old Trinity Church, in Clarendon District. The said Commission shall summon the road-hands along the line of the said proposed road in Clarendon District, and with said hands shall open the said road, from Dr. W. T. Brogdon's, in Sumter, to "Trinity Church" place, in Clarendon District, and put the same in good traveling condition; and when so finished, the Commission shall give notice thereof, and turn over to the Boards of Roads of said Districts their respective portions of said road, which shall be then deemed and declared to be a public road or highway.

New road in
Sumter and
Clarendon.

In the Senate House, the twenty-third day of December, in the year of our Lord one thousand eight hundred and sixty-four, and in the eighty-ninth year of the sovereignty and independence of the State of South Carolina.

W. D. PORTER, President of the Senate.

R. B. BOYLSTON, Speaker House of Representatives.

A. D. 1864.

AN ACT TO ESTABLISH THE FRANCO-CAROLINA BANK.

No. 4709.

Preamble.

Proposals of
certain French
bankers to es-
tablish a Bank
in this State.

Whereas Monsieur Emile Berle Comete du Tremblier de Chauvigny and his associates, bankers, residing in Paris, have proposed to the Legislature of the State of South Carolina to invest a large amount of capital in this State for the purpose of establishing a direct commercial intercourse with France, and for advancing means by which the natural resources of the State, whether agricultural or mining, can be developed, and railroads and water communication within the State improved and extended; and whereas they have applied for the charter of a bank for those purposes, the business of which is to be conducted according to the principles of the financial company known as the "Credit Mobilier," of Paris, the success of which has been demonstrated by experience; and whereas the interests and prosperity of the State of South Carolina will, in the judgment of this Legislature, be largely promoted by the proposed establishment:

Bank incor-
porated.

Powers and
rights of the
Bank.

I. Now, therefore, it is enacted by the Senate and House of Representatives of the State of South Carolina, in General Assembly convened, That M. Emile Berle Comte du Tremblier de Chauvigny and his associates, bankers, of Paris, aforesaid, and B. S. Barue, and also James P. Boyce and T. D. Wagner, of the State of South Carolina, and the persons to be associated with them, as herein-after provided, be, and they are hereby, created a body corporate, under the name and style of the Franco-Carolina Bank, and as such shall have the power and right, by its name and style aforesaid, to sue and be sued in any Court of Record or other place whatsoever, and to have and use a common seal, and the same to alter and renew at pleasure, and have power generally to do and execute all acts and things which to them it shall appertain to do, subject, nevertheless, to the restrictions and limitations hereinafter prescribed and provided.

Capital stock.

II. The capital stock of said bank shall be fifty-two millions five hundred thousand francs, equal to ten millions of dollars, and shall be divided into fifty-two thousand five hundred shares of one thousand francs each, and the said banker of Paris and his associates shall subscribe, in France, for nine and a half millions of dollars of the said capital, and shall procure subscriptions in the State of South Carolina for five hundred thousand dollars of said capital, within six months from the date of the passage of this Act, in default whereof this charter shall be null and void and of no effect.

Time for pro-
curing sub-
scriptions.

Twenty-five
per cent. of
subscription to
be paid in spe-
cie or bills of
exchange at
time of sub-
scription.

Subsequent
instalments to
be paid in like
manner.

III. The subscribers to the capital stock of said bank shall pay, at the time of subscribing, twenty-five per centum of the amount of each share subscribed, in gold or silver coin, or in approved bills of exchange, drawn on France or England, and payable at not more than sixty days' sight; and the remainder of the capital stock shall also be paid in gold or silver coin, or in approved bills of exchange, as aforesaid, at such times and in such instalments as the Board of Directors, hereinafter provided for, shall require. And in the event of the dishonor of any bill of exchange given in payment of subscriptions as aforesaid, the stock of the subscriber shall be immediately sold for coin, for account of the subscriber, who shall be entitled to receive any premium, and be responsible for the payment of any loss, that may result from such sale.

IV. The said bank shall not commence business until the one-fourth of its capital shall have been actually paid in in the manner hereinbefore provided; and the payment of the said fourth of the capital, to wit, of two and a half millions of dollars, shall be established to the satisfaction of the Governor of South Carolina, by the production to him of sufficient proof of the payment within this State of such sums as shall be here paid, and by the production of certificates of the Bank of France, or of the "Crédit Mobilier," of Paris, or of the "Comptoir National d'Escompte," of France, showing the deposit, in one or more of said institutions by the French subscribers, to the credit of said bank, of an amount equal to one-fourth of the capital subscribed in France. And upon the production to the Governor of the proof of payment aforesaid to the full amount of two and a half millions of dollars, it shall be his duty to issue a proclamation announcing the fact of payment as aforesaid, and that the said bank is thenceforth entitled to enter upon the enjoyment of the rights conferred by this charter.

V. The domicil of said bank shall be the city of Charleston, in this State, but during the present war it may, at the discretion of the Directors, be located at any other place within this State; and it shall have the right to establish such agencies within this State and the other Confederate States as may be deemed necessary by the Directors for the prosecution of its business; and it shall establish an agency in Paris. The powers and duties of the agents shall be fixed by the by-laws of the bank. All meetings of stockholders shall take place in the city of Charleston; but, during the present war, it shall be lawful for the Directors to appoint some other place of meeting within this State.

VI. The business of said bank shall be conducted by a Board of Directors, to be chosen annually. The first Board of Directors shall be appointed by the aforesaid Messieurs Emile Berle, Compteur du Tremblier de Chauvigny, and his associates, and shall continue in office for six months after the date of the proclamation of the Governor mentioned in the fourth Section of this Act. The number of Directors shall not be less than five, and at least one-third of the number shall be persons who are citizens of, or domiciled within, the State of South Carolina. Within the first six months after the date of the proclamation aforesaid there shall be a general meeting of the stockholders, which shall establish by by-laws the number of Directors of which the future Boards shall consist, prescribe rules for their election, define their authority, and provide for an annual rendition of accounts to a general meeting of stockholders. In all meetings of stockholders, whether for election of Directors, or for the transaction of other business, each share shall give the right to one vote; and all votes may be given either in person or by proxy.

VII. The said Franco-Carolina Bank, when established in the manner hereinbefore provided, shall have power to carry on the business of a bank of discount, deposit and issue; to deal in the purchase and sale of exchange, specie, securities and other representatives of value; to make loans and advances on the pledge of cotton, rice or other produce, and on merchandise or other personal property, and to buy or sell the same; to promote, by advances of money or by the opening of credits, the repair, improvement or con-

A. D. 1864.

Business to
commence
when one-
fourth of capi-
tal is paid in.

Place of busi-
ness.

May establish
agencies.

Agency in
Paris.

Board of Di-
rectors.

Number of Di-
rectors.

Meeting of
stockholders.

Powers of
Bank.

To deal in ex-
change, etc.

To make loans.

To aid or con-
struct internal
improvements.

A. D. 1864.

Mining operations and foundries.

To negotiate loans.

To undertake public works.

To issue notes payable in Paris.

Redemption of notes.

Notes redeemed to be destroyed.

Restriction of issues.

All issues to be based on specie or material property.

Notes to be issued only in Charleston.

Registry of notes.

struction of such ways of transportation, whether by land or water, as are, or may be, authorized by law, or to undertake such enterprises on its own account; to develop the mining industry of the State, by giving financial aid to all individuals or bodies corporate engaged in mining operations or foundries, or to undertake for itself mining operations, and to purchase mines or other lands; to undertake the negotiation of loans for the Government of this State, or for any other State or government, whether the loans be negotiated in Europe or on this continent; to act as financial agent of any individual or body corporate, public or private; to undertake any enterprise or work of public improvement or utility authorized by grant or charter by any government, and to become the purchaser of the franchises of any corporation established for such purpose; and to issue its notes under the restrictions hereinafter imposed.

VIII. The said bank shall have power to issue notes for circulation, which shall declare on their face that they are payable in Paris; and such notes shall be redeemable in coin on demand at the agency of the bank in Paris. All other notes shall be payable on presentation, in coin, at the counter of the bank in Charleston. And all holders of notes payable in Paris shall have the right to demand in Charleston payment thereof in sight bills of exchange on Paris, by presenting the same at the counter of the Bank in Charleston in sums not less than one hundred dollars, and paying the bank a registration fee of one-half of one per centum on the amount of the exchange so demanded. And when notes payable in Paris are redeemed in Charleston, on the demand of the holders, by sight exchange on Paris, the bank shall allow and pay five francs and twenty-five centimes in exchange for each dollar, and shall make no other charge to the note holder than the registration fee of one-half of one per centum; and notes so registered and redeemed by exchange shall be defaced or destroyed, so that they shall not again enter into circulation.

IX. The said Franco-Carolina Bank shall be so restricted in its issues of notes that in no event and under no circumstances shall it issue any notes not represented by coin in its possession, in Charleston and the different agencies, or by merchandise, produce, real estate, or other material property, real or personal, in its possession or under its control, of the full value of the notes issued, the fundamental principle of the bank being hereby declared to be that no currency is to be placed by it in circulation based on its own credit or that of any other body corporate or individual, but only such as is represented by at least an equal value in the precious metals, or in material property, real or personal, possessing a market value independently of the credit of any individual or corporation.

X. The said bank shall not issue notes at any other place than the city of Charleston, and shall keep an exact registry of all notes issued, and of all notes redeemed and defaced or destroyed by it, showing the amount of circulation outstanding; and this registry shall be at all times open to the inspection of such officers as the Legislature may think proper to appoint for that purpose; and the said bank shall be subject to all the laws and regulations heretofore established, or which may hereafter be enacted by the State,

to secure the safety and proper management of the banking institutions of the State in general; and it shall specially be its duty to publish, once in every month, in two of the newspapers of the city of Charleston and in one of the capital of the State, a balance sheet or statement, showing its assets and liabilities, and specifying particularly the amount of its circulation, deposits, coin and bullion, and the estimated value of the merchandise, produce and other material property on which its circulation is based.

A. D. 1864.

Monthly statement to be published.

XI. The Legislature of the State of South Carolina reserves the right of visiting the said corporation, by Committees of either or both Houses, at its pleasure, and requiring a full exhibit of its business and financial condition; and this charter shall be liable to forfeiture upon the breach of the conditions on which it is granted, and especially in the event of the failure of the bank to redeem its circulation as herein provided for, or in the event of its emitting any circulation in excess of the limits herein prescribed. But no proceedings for a forfeiture of the charter of the bank shall be instituted without a resolution of the Legislature expressly directing such proceedings. And this Act shall be a public Act, and continue of force for the the term of thirty years.

Committee of the Legislature to visit.

Public Act—
limitation.

In the Senate House, the twenty-second day of December, in the year of our Lord one thousand eight hundred and sixty-four, and in the eighty-ninth year of the sovereignty and independence of the State of South Carolina.

W. D. PORTER, President of the Senate.

R. B. BOYLSTON, Speaker House of Representatives.

AN ACT TO INCORPORATE THE BATH MILLS COMPANY.

No. 4710.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That Edward Lafitte, James Gardner, Germain T. Dortie, Adam Johnston, D. B. Hack, Ann M. Winter, Thomas W. Chichester, W. K. Huse, Isaac Tucker, Wellington Stevenson, James F. Winter, Milledge G. McKensie, Hamilton S. Shelton and Samuel D. Linton, and their successors and assignees, and such persons as may be hereafter associated with them in the manufacture and sale of paper, be, and they are hereby, declared a body corporate and politic, by the name and style of "The Bath Mills Company," with a capital stock of one hundred thousand dollars, with the right to increase the same, from time to time, to the extent of four hundred thousand dollars.

Company incorporated.

Capital stock.

II. That such company shall have power to acquire and hold, by lease, or rent, or purchase, or otherwise, such site or sites, machinery, fixtures, appurtenances and personalty as may be desirable and necessary for the manufacture of paper in any District in this State; to issue certificates of stock in such manner and to such amount as may be determined by resolution of said company, not exceeding in all four hundred thousand dollars; to have a success-

Powers of corporation.

A. D. 1864.

May establish
agencies.

sion of officers and members, to be chosen according to the rules and by-laws made or to be made by said company for their government and direction, and to make any by-laws not repugnant to the laws of the land, the same to alter, amend and repeal, or re-enact, at pleasure; to sue and be sued, to plead and be impleaded, in any Court having competent jurisdiction; to have, use and keep a common seal, and the same to alter at will; and to have and enjoy the privilege of establishing such agencies, in or out of this State, as they may find expedient for making or vending paper, or for the purchase of paper, or the materials from which paper is made or embellished, not in contravention of the laws of other States where such agencies may be established; and to have and hold such real estate as may be necessary or expedient for carrying on legitimately the business herein contemplated, of making, buying or vending paper, or the materials of and by which paper is or may be made.

Liabilities of
members.Limitation of
charter.

III. That the members of said corporation shall be jointly and severally liable for all debts and contracts made by such corporation until the amount of one hundred thousand dollars shall have been paid in, in cash, or its *bona fide* equivalent in real or personal estate; and this charter shall be and continue for the term of fifteen years.

In the Senate House, the twenty-third day of December, in the year of our Lord one thousand eight hundred and sixty-four, and in the eighty-ninth year of the sovereignty and independence of the State of South Carolina.

W. D. PORTER, President of the Senate.

R. B. BOYLSTON, Speaker House of Representatives.

No. 4711. AN ACT TO EXTEND AND ALTER THE CHARTER OF "THE COTTON PLANTERS' LOAN ASSOCIATION OF THE FIFTH CONGRESSIONAL DISTRICT OF SOUTH CAROLINA."

Charter ex-
tended.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the charter of the Cotton Planters' Loan Association of the Fifth Congressional District of South Carolina, organized by virtue of, and agreeably to, the provisions of an Act entitled "An Act to charter a Cotton Planters' Loan Association," ratified the twenty-first day of December, Anno Domini one thousand eight hundred and sixty-one, be extended and made of force until the first day of January, Anno Domini one thousand eight hundred and sixty-nine, with all the rights, powers and privileges by said Act conferred: *Provided*, That the capital stock of said Association shall not be increased beyond its present amount: *And provided, further*, That the said Association shall not be authorized to issue, or re-issue, any notes, bills, or other obligations of the nature of currency.●

Issue of notes,
bills, etc., pro-
hibited.

II. That the third Section of the Act referred to in the preceding Section be, and the same is hereby, repealed.

A. D. 1864.

Repeal of
third Section of
Act.

In the Senate House, the twenty-third day of December, in the year of our Lord one thousand eight hundred and sixty-four, and in the eighty-ninth year of the sovereignty and independence of the State of South Carolina.

W. D. PORTER, President of the Senate.

R. B. BOLYSTON, Speaker House of Representatives.

AN ACT TO INCORPORATE THE FOOT POINT LAND COMPANY. No. 4712.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That JOHN A. SEABROOK, C. J. COLCOCK, JOHN FRASER & CO., W. C. BEE, A. S. JOHNSON, W. RAVENEL, D. F. FLEMING, H. C. DOTTERER, Chamberlain & Co., WILLIAM GREGG, C. D. CARR, JAMES M. EASON, T. S. HEYWARD, GEORGE C. HEYWARD, J. S. GIBBES, J. W. GREGORY, F. W. CLAUSSEN, E. M. SEABROOK, R. B. RHETT, JR., WM. WHALEY, T. D. EASON, and such other persons as now are, or may hereafter become, associated with them as members of the said company, be, and are hereby, declared a body corporate and politic, by the name and style of the "Foot Point Land Company," for the purpose of establishing a town at Foot Point, with a present capital of five hundred thousand dollars, and with the privilege of increasing the same to one million of dollars: *Provided*, That after the selection of a site for the establishment of such town, the said corporation shall have no power to appoint or elect officers of the town so to be established, or to pass ordinances in relation to the same, without a further grant of authority from the General Assembly of the State.

Company in-
corporated.

Capital stock.

Prohibited
from selecting
officers or pass-
ing ordinances.

II. That the said company shall have such number and succession of officers and members as shall be ordained and chosen according to the rules and by-laws made or to be made by them for their government, and shall have power and authority to make any such rules and by-laws as are not repugnant to the Constitution and laws of the land; shall have and keep a common seal, and alter the same at will; shall sue and be sued, implead and be impleaded, in any Court of law or equity in this State; and shall have and enjoy all and every right and privilege incident and belonging to corporate bodies, according to the laws of the land.

Rights and
powers.

III. That the said company, by their corporate name, shall be able and competent, in law and equity, to have and to hold, receive and enjoy, all such property, real and personal, as they shall deem proper in any manner to acquire for the purposes of the corporation, or as they now have or may hereafter in any manner become entitled unto, and to alien or otherwise dispose of the same or any part thereof: *Provided*, That the original value of such estates does not exceed the capital stock of the said company.

To hold pro-
perty.

A. D. 1864.

Public Act—
limitation.

IV. That this Act shall be a public Act, and continue of force for the term of twenty-one years.

In the Senate House, the twenty-third day of December, in the year of our Lord one thousand eight hundred and sixty-four, and in the eighty-ninth year of the sovereignty and independence of the State of South Carolina.

W. D. PORTER, President of the Senate.

R. B. BOYLSTON, Speaker House of Representatives.

No. 4713. AN ACT TO INCORPORATE THE COLUMBIA AND GREENVILLE TELEGRAPH COMPANY.

Company in-
corporated.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That William M. Lawton, Theodore D. Wagner, Thomas C. Perrin, Otis Mills, John W. Grady, Alexander W. Bee, Thomas M. Cox, and their associates, are hereby incorporated and declared a body politic, to be known by the name and style of the "Columbia and Greenville Telegraph Company," for the purpose of constructing a telegraph line from the town of Columbia to the village of Greenville, South Carolina, with branches to Abbeville Court House and Pendleton village.

Capital stock.

II. The said company shall have the right to raise, by subscription, a capital of four hundred thousand dollars, for the purpose of constructing the said telegraph line, with the power hereafter to increase their capital to five hundred thousand dollars, and extend their line of telegraph to the town of Chattanooga, in the State of Tennessee.

Rights and
powers.

III. The said Columbia and Greenville Telegraph Company shall have, and are hereby invested with, all the rights and powers of a body politic and corporate, sue and be sued, purchase and hold real and personal estate, and make contracts, and do all other things which a body politic and corporate may do.

IV. The said capital of four hundred thousand dollars shall be taken in shares of one hundred dollars each.

May make
by-laws and
elect officers.

V. The company shall have power to make all by-laws, not inconsistent with the laws of this State, for their government, and to elect proper officers to administer the same.

In the Senate House, the twenty-third day of December, in the year of our Lord one thousand eight hundred and sixty-four, and in the eighty-ninth year of the sovereignty and independence of the State of South Carolina.

W. D. PORTER, President of the Senate.

R. B. BOYLSTON, Speaker House of Representatives.

AN ACT TO INCORPORATE "KALMIA MILLS."

A. D. 1861.

No. 4714.

Company in-
corporated.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That Benjamin F. Evans, E. L. Kerrison, Wm. C. Bee, Benjamin Mordecai, J. J. Chisolm, R. G. Chisolm, Samuel S. Brown, Herman Leiding, John W. Grady and others, and their associates and successors, are hereby made and created a body politic and corporate, under the name and style of "Kalmia Mills," for the purpose of manufacturing paper, cotton yarns and cloths, and such other fabrics as the demands of the community may require, and for procuring and making machinery to carry on said manufactures; and also for the transaction of all such business as may be connected with the above purposes, with a capital of two millions of dollars, with the privilege of increasing the same to five millions of dollars—the consent of a majority of the stockholders being first had and obtained.

Capital stock.

II. The said corporation may purchase and hold such real estate as may be required for their purposes, or such as they may deem it for their interest to take in settlement of any debts due them, and may dispose of the same; and may erect such mills, machine shops and other buildings thereon, as may be deemed necessary; and may sue and be sued, have and use a common seal, and make such by-laws for the regulation and government of said corporation, not inconsistent with the Constitution and laws of the Confederate States and of this State, as may be deemed necessary, and shall have generally all the rights, powers and privileges in law incident or appertaining to corporations.

Powers of cor-
poration.

In the Senate House, the twenty-third day of December, in the year of our Lord one thousand eight hundred and sixty-four, and in the eighty-ninth year of the sovereignty and independence of the State of South Carolina.

W. D. PORTER, President of the Senate.

R. B. BOYLSTON, Speaker House of Representatives.

AN ACT TO EXTEND AND AMEND AN ACT ENTITLED "AN ACT TO AUTHORIZE THE CITY COUNCIL OF CHARLESTON TO ISSUE AND PUT IN CIRCULATION NOTES RECEIVABLE IN TAXES OR DUES TO THE CITY." No. 4715.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the third Section of an Act entitled "An Act to authorize the City Council of Charleston to issue and put in circulation notes receivable in taxes or dues to the city," be, and the same is hereby, repealed, and the provisions of said Act, together with the amendatory Act entitled "An Act to amend an Act to authorize the City Council of Charleston to issue and put in circulation notes receivable in taxes or dues to the city," passed on the sixth day of

Repeal of
third Section of
Act.

A. D. 1864.

Limitation of
Act.Additional
amount of issue
authorized.

February, in the year of our Lord one thousand eight hundred and sixty-three, shall be of force during the continuance of the present war, between the Confederate States and United States.

II. That the first Section of said Act be so amended as to extend the limit of the notes issued to the amount of five hundred thousand dollars instead of three hundred thousand dollars.

In the Senate House, the twenty-third day of December, in the year of our Lord one thousand eight hundred and sixty-four, and in the eighty-ninth year of the sovereignty and independence of the State of South Carolina.

WILLIAM D. PORTER, President of the Senate.

R. B. BOYLSTON, Speaker House of Representatives.

No. 4716. AN ACT TO PROVIDE FOR THE APPOINTMENT OF COMMISSIONERS OF THE POOR FOR THE PARISHES OF ST. JAMES, SANTEE, ST. STEPHEN, AND ST. JAMES, GOOSE CREEK.

Whereas, at the last general election for the said Parishes, there was a failure to elect Commissioners of the Poor for the same:

Be it enacted by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That Benjamin Fort, Isaac Skipper, Stephen D. Doar, Elias Butler and John Y. DuPre, be, and they are hereby, appointed Commissioners of the Poor for the Parish of St. James, Santee; that W. Mazyck Porcher, S. W. Palmer, G. McCay, John Palmer and Dr. John S. Palmer, be, and they are hereby, appointed Commissioners of the Poor for the Parish of St. Stephen; and that E. G. Shuler, S. C. Warnock, James Wiggins, J. T. Crawford and John McCullers, be, and they are hereby, appointed Commissioners of the Poor for the Parish of St. James, Goose Creek, to continue in office until the next general election, with all the powers and liabilities of Commissioners of the Poor as provided by law.

Commission-
ers appointed.St. James',
Santee.

St. Stephen.

St. James',
Goose Creek.
Term of office.

In the Senate House, the twenty-third day of December, in the year of our Lord one thousand eight hundred and sixty-four, and in the eighty-ninth year of the sovereignty and independence of the State of South Carolina.

W. D. PORTER, President of the Senate.

R. B. BOYLSTON, Speaker House of Representatives.

No. 4717. AN ACT TO PROVIDE FOR THE APPOINTMENT OF COMMISSIONERS OF THE POOR FOR LANCASTER DISTRICT.

Be it enacted by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That S. L. Straite and Andrew Johnson be, and the same are

Commission-
ers appointed.

hereby, appointed Commissioners of the Poor in and for the District of Lancaster, to continue in office until the next general election; and they are hereby invested with all the powers, and subject to all the penalties that Commissioners of Poor by law now are.

A. D. 1864.

In the Senate House, the twenty-third day of December, in the year of our Lord one thousand eight hundred and sixty-four, and in the eighty-ninth year of the sovereignty and independence of the State of South Carolina.

W. D. PORTER, President of the Senate.

R. B. BOYLSTON, Speaker House of Representatives.

AN ACT TO APPOINT COMMISSIONERS OF THE POOR FOR DARLINGTON, HORRY AND RICHLAND DISTRICTS. No. 4718.

Whereas at the last general election holden for Darlington, Horry and Richland Districts, there was a failure to elect Commissioners of the Poor for said Districts, for remedy thereof:

Be it enacted by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That H. G. Charles, Evander Byrd, A. N. Stuckey, Robert Huggins and A. B. Bristow, be, and are hereby, appointed Commissioners of the Poor in and for the District of Darlington; and James Floyd, William Best, C. B. Sarvis, Jesse J. Smith and William Hardee, be, and are hereby, appointed Commissioners of the Poor in and for Horry District; and the following for Richland District, viz: A. M. Hunt, John Scott, Jesse Reese, David Shannon, Samuel Dent, Samuel Coogler, Joseph Douglas and Wesley Smith.

Commissioners appointed.

Darlington.

Horry.
Richland.

In the Senate House, the twenty-third day of December, in the year of our Lord one thousand eight hundred and sixty-four, and in the eighty-ninth year of the sovereignty and independence of the State of South Carolina.

WILLIAM D. PORTER, President of the Senate.

R. B. BOYLSTON, Speaker House of Representatives.

AN ACT TO PROVIDE FOR THE APPOINTMENT OF COMMISSIONERS OF THE POOR IN CERTAIN CASES. No. 4719.

Be it enacted by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That whenever a failure to elect Commissioners of the Poor

Commissioners to be appointed when failure to elect occurs.

A. D. 1864.

shall occur in any Election District in this State, whether in whole or in part, it shall be lawful for a majority of the delegation from such District to appoint the same, and the Commissioners so appointed shall have all the powers which Commissioners of Poor by law now have, and be subject to the same pains and penalties.

In the Senate House, the twenty-third day of December, in the year of our Lord one thousand eight hundred and sixty-four, and in the eighty-ninth year of the sovereignty and independence of the State of South Carolina.

W. D. PORTER, President of the Senate.

R. B. BOYLSTON, Speaker House of Representatives.

No. 4720. AN ACT TO EXTEND THE TIME OF FILING OFFICIAL BONDS IN CERTAIN CASES.

Persons in
military ser-
vice allowed
additional time
to file official
bonds.

Be it enacted by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That if any person who, while in the military service of the Confederate States, has been, or may hereafter be, elected to a civil office in this State which requires the execution of a bond before qualification to office, such person shall be allowed ninety days from the time the election has been or may be declared within which to file such bond.

In the Senate House, the twenty-third day of December, in the year of our Lord one thousand eight hundred and sixty-four, and in the eighty-ninth year of the sovereignty and independence of the State of South Carolina.

W. D. PORTER, President of the Senate.

R. B. BOYLSTON, Speaker House of Representatives.

No. 4721. AN ACT TO REPEAL SO MUCH OF THE ACT TO ESTABLISH A SEPARATE COURT OF APPEALS AS REQUIRES THE JUDGES THEREOF TO BE CHOSEN FROM AMONG CERTAIN PERSONS THEREIN DESCRIBED.

Portion of
Act repealed.

Be it enacted by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That so much of an Act entitled "An Act to establish a separate Court of Appeals," ratified on the nineteenth day of December, eighteen hundred and fifty-nine, as requires the Judges of the Court of Appeals to be chosen from among the Chancellors and Judges in commission at the time of passing the said Act, and any additional Judge or Chancellor elected at the session of the General

Assembly at which the said Act was passed, be, and the same is hereby, repealed.

A. D. 1864.

In the Senate House, the twenty-third day of December, in the year of our Lord one thousand eight hundred and sixty-four, and in the eighty-ninth year of the sovereignty and independence of the State of South Carolina.

W. D. PORTER, President of the Senate.

R. B. BOYLSTON, Speaker House of Representatives.

AN ACT TO PROVIDE FOR HOLDING THE COURTS OF EQUITY BY TWO CHANCELLORS FOR THE YEAR ONE THOUSAND EIGHT HUNDRED AND SIXTY-FIVE. No. 4722.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That until the next regular meeting of the General Assembly, it shall be the duty of the two Chancellors now in commission, by agreement between themselves, to hold the Courts of Equity, which, by reason of the vacancy now existing, will be otherwise unprovided for; and for the accomplishment of this purpose they shall have power to reduce the duration of the term as now fixed by law in any District, and to alter the time appointed for the sitting of any of the Courts to any other day within the period embraced in the Circuit to which such Court belongs: *Provided*, That notice of such change shall be given to the Commissioner in Equity or Master in Chancery for the District in which such change is made, and by him be published for one month before the day so fixed for the sitting of the Court, the expenses thereby incurred to be paid out of the Contingent Fund.

Chancellors
to hold Courts
unprovided for.

Power to
change term
and alter time.

II. That any Act and all Acts inconsistent with the Section aforesaid, be, and the same are hereby, suspended for the year one thousand eight hundred and sixty-five.

Suspension of
conflicting Acts

In the Senate House, the twenty-third day of December, in the year of our Lord one thousand eight hundred and sixty-four, and in the eighty-ninth year of the sovereignty and independence of the State of South Carolina.

W. D. PORTER, President of the Senate.

R. B. BOYLSTON, Speaker House of Representatives.

AN ACT TO DEFINE THE RIGHTS AND LIABILITIES OF RAILROAD COMPANIES AND OTHER COMMON CARRIERS. No. 4723.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That no public notice, or declaration, or special contract,

A. D. 1864.

Railroad com-
panies liable
for loss or dam-
age, notwith-
standing notice

shall limit or in any wise affect the liability at common law, of any railroad company within this State, for or in respect of any goods to be carried and conveyed by them, but that such railroad company shall be liable as at common law, to answer for the loss of, or injury to, any articles and goods to be carried and conveyed by them, any public notice, or declaration, or special contract, by them made and given contrary thereto, or in any wise limiting such liability, notwithstanding.

Common car-
riers also lia-
ble.

II. That no public notice or declaration shall limit, or in any wise affect the liability at common law of any public common carrier, for or in respect of any goods to be carried and conveyed by them, but that they shall be liable, as at common law, to answer for the loss of, or injury to, any articles and goods delivered to them for transportation, any public notice or declaration by them made and given contrary thereto, or in any wise limiting such liability, notwithstanding.

In the Senate House, the twenty-third day of December, in the year of our Lord one thousand eight hundred and sixty-four, and in the eighty-ninth year of the sovereignty and independence of the State of South Carolina.

W. D. PORTER, President of the Senate.

R. B. BOYLSTON, Speaker House of Representatives.

No. 4724. AN ACT TO CONTINUE IN FORCE AN ACT ENTITLED "AN ACT TO EXTEND RELIEF TO DEBTORS, AND TO PREVENT THE SACRIFICE OF PROPERTY AT PUBLIC SALES."

Act re-enact-
ed and made of
force.

Be it enacted by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That an Act entitled "An Act to extend relief to debtors, and to prevent the sacrifice of property at public sales," ratified on the twenty-first day of December, in the year of our Lord one thousand eight hundred and sixty-one, and also an Act to continue in force the aforesaid Act, ratified the sixth day of February, in the year of our Lord one thousand eight hundred and sixty-three, and also, an Act to continue in force the said Act, ratified the seventeenth day of December, in the year of our Lord one thousand eight hundred and sixty-three, be, and the same are hereby, continued of force until the adjournment of the next session of the General Assembly of this State.

In the Senate House, the twenty-third day of December, in the year of our Lord one thousand eight hundred and sixty-four, and in the eighty-ninth year of the sovereignty and independence of the State of South Carolina.

W. D. PORTER, President of the Senate.

R. B. BOYLSTON, Speaker House of Representatives.

AN ACT TO REPEAL THE SECOND SECTION OF AN ACT ENTITLED "AN ACT TO EXTEND AN ACT ENTITLED AN ACT TO EXTEND SOME OF THE PROVISIONS OF AN ACT ENTITLED 'AN ACT IN REFERENCE TO THE SUSPENSION OF SPECIE PAYMENTS BY THE BANKS OF THIS STATE, AND FOR OTHER PURPOSES,' TO THE FIRST DAY OF JANUARY, IN THE YEAR OF OUR LORD ONE THOUSAND EIGHT HUNDRED AND SIXTY-FOUR."

A. D. 1864.

No. 4725.

Be it enacted by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the second Section of an Act to extend an Act entitled "An Act to extend some of the provisions of an Act entitled 'An Act in reference to the suspension of specie payments by the banks of this State, and for other purposes,'" passed on the seventeenth day of December, in the year of our Lord, one thousand eight hundred and sixty-three, and in the eighty-eighth year of the sovereignty and independence of the State of South Carolina, be, and the same is hereby, repealed.

Second Section of an Act repealed.

In the Senate House, the twenty-third day of December, in the year of our Lord one thousand eight hundred and sixty-four, and in the eighty-ninth year of the sovereignty and independence of the State of South Carolina.

W. D. PORTER, President of the Senate.

R. B. BOYLSTON, Speaker House of Representatives.

AN ACT TO VEST THE RIGHT AND TITLE OF THE STATE IN CERTAIN PROPERTY LIABLE TO ESCHEAT IN ELIZABETH MYRES, ELLEN MYRES AND CATHERINE MYRES.

No. 4726.

Be it enacted by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That all the right, title and interest of the State in and to the real estate whereof John H. Roy, late of St. Matthew Parish, in the District of Orangeburg, was seized and possessed at the time of his death, consisting of a tract of land lying and being in the said Parish, containing one hundred and seventy acres, more or less, and bounded by lands of F. M. Wannamaker, Daniel McKensie, T. B. Whaley and the late Richard Singleton, and in and to all the personal estate of the said John H. Roy, of which he died possessed or entitled to, be, and the same are hereby, vested in Elizabeth Myres for and during her natural life, and, at her death, in her daughters, Ellen Myres and Catharine Myres, share and share alike, their heirs, executors and administrators.

Estate of John H. Roy vested in Elizabeth Myres, and others.

In the Senate House, the twenty-third day of December, in the year of our Lord one thousand eight hundred and sixty-four, and in the eighty-ninth year of the sovereignty and independence of the State of South Carolina.

W. D. PORTER, President of the Senate.

R. B. BOYLSTON, Speaker House of Representatives.

A. D. 1865.
 No. 4727.

AN ACT TO AMEND AN ACT ENTITLED "AN ACT TO REGULATE THE PRINTING AND DISTRIBUTION OF THE ACTS AND RESOLUTIONS OF THE GENERAL ASSEMBLY OF THIS STATE, AND FOR OTHER PURPOSES."

Act of 1834
 amended.

1,000 copies
 of Reports and
 Journals.

Be it enacted by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That an Act to regulate the printing and distribution of the Acts and Resolutions of the General Assembly of this State, and for other purposes, ratified the seventeenth day of December, in the year of our Lord one thousand eight hundred and thirty-four, be, and the same is, so amended as only to require one thousand copies of the Reports, Resolutions and Journals hereafter to be printed, and that the said Reports, Resolutions and Journals intended for distribution amongst the several Districts of this State be in the following ratio, to wit: Abbeville, thirty-five; Anderson, twenty-five; Barnwell, twenty; Chester, twenty-five; Chesterfield, twenty; Darlington, twenty; Edgefield, thirty; Fairfield, thirty; Greenville, twenty-five; Kershaw, twenty-five; Laurens, twenty-five; Lexington, twenty; Lancaster, twenty; Marlboro, twenty; Newberry, twenty; Orangeburg, twenty; Pickens, twenty-five; Richland, forty; Union, twenty-five; Sumter, twenty; Spartanburg, twenty-five; York, twenty-five; Beaufort, twenty-five; Charleston, sixty; Colleton, twenty-five; Georgetown, twenty; Horry, twenty; Marion, twenty; Williamsburg, twenty; Clarendon, twenty.

In the Senate House, the twenty-third day of December, in the year of our Lord one thousand eight hundred and sixty-four, and in the eighty-ninth year of the sovereignty and independence of the State of South Carolina.

W. D. PORTER, President of the Senate.

R. B. BOYLSTON, Speaker House of Representatives.

No. 4728. AN ACT TO RAISE SUPPLIES FOR THE YEAR COMMENCING IN OCTOBER, ONE THOUSAND EIGHT HUNDRED AND SIXTY-FIVE.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That a tax for the sums, and in the manner hereinafter mentioned, shall be raised and paid into the public Treasury of this State, for the use and service thereof, that is to say: Fifteen cents

Tax on lands.

ad valorem on every hundred dollars of the value of all the lands granted in this State, except such lands as during the year have been in possession of the Freedman's Bureau, and on all lots, lands and buildings within any city, town, village or borough in this State, except such as during the year have been in possession of the

Male residents.

Freedman's Bureau; two dollars per head on all male residents of this State between the ages of twenty-one and sixty years, except such as shall be clearly proved, to the satisfaction of the Collectors,

to be incapable, from maims or otherwise, of procuring a livelihood ; sixty cents per hundred dollars on factorage, employments, faculties and professions, including the profession of dentistry, (whether in the profession of the law the profits be derived from the costs of suit, fees or other sources of professional income,) excepting clergymen ; sixty cents per hundred dollars on the amount of commissions received by brokers, vendue masters and commission merchants ; one dollar per head on each and every dog, of every kind and description, in the State on the first day of January, one thousand eight hundred and sixty-six, or brought into the State between that time and the date of the payment of taxes ; forty cents per hundred dollars on the capital stock of all incorporated gas light companies now in active operation ; one hundred cents per hundred dollars on all premiums taken in this State by insurance companies incorporated within this State, and two hundred cents per hundred dollars on all premiums taken in this State by the agencies of insurance companies and underwriters incorporated without the limits of this State ; on all express companies doing business within this State, one thousand dollars each, to be paid to the Tax Collector of Richland District ; twenty cents upon every hundred dollars of the amount of sales of goods, wares and merchandise, embracing all the articles of trade for sale, barter or exchange, (the products of this State and the unmanufactured products of any of the United States or Territories thereof excepted,) which any person shall have made from the first day of May, of the present year, to the first day of January, in the year of our Lord one thousand eight hundred and sixty-six, either on his, her or their capital, or borrowed capital, or on account of any person or persons as agent, attorney or consignee ; one hundred cents upon every hundred dollars of the amount of sales of all goods, wares and merchandise whatever, which any transient person, not resident in this State, shall make in any house, stall or public place ; one hundred cents on every hundred dollars of the value of all articles manufactured in this State for sale, barter or exchange ; twenty dollars upon every hundred dollars of the value of all spirituous liquors manufactured in this State for sale, barter or exchange, and upon all spirituous liquors brought into this State for sale, barter or exchange ; one hundred cents on every hundred dollars in value of all cotton on hand on the first day of October last, excluding the crop of the present year from this taxation ; one dollar on every hundred dollars of all sales of cotton made since the first day of May last to the first day of October, one thousand eight hundred and sixty-five : *Provided*, That the tax shall not be due on any cotton seized by the United States Government and not returned, or on any cotton stolen and not recovered ; one hundred cents on every hundred dollars in value of all crude turpentine, spirits of turpentine and rosin on hand on the first day of October last, excluding the production of the year one thousand eight hundred and sixty-five ; one hundred cents on every hundred dollars of all sales of said articles from first of May last to first of October, one thousand eight hundred and sixty-five, except sales of production of present year ; twenty dollars per day for representing publicly for gain or reward any play, comedy, tragedy, interlude or farce, or other em-

A. D. 1865.

Factorage and
professions.

Dogs.

Gas-light and
insurance com-
panies.

Merchandise.

Cotton.

Proviso.

Turpentine
and rosin.

Exhibitions.

A. D. 1865.

Taxes, to
whom to be
paid.

ployment of the stage, or any part therein, or for exhibiting wax figures, or other shows of any kind whatsoever, to be paid into the hands of the Clerks of the Court respectively, who shall be bound to pay the same into the public Treasury, excepting in cases where the same is now required by law to be paid to corporations or otherwise.

Proviso.

II. That all taxes levied on property, as prescribed in the first Section of this Act, shall be paid to the Tax Collector for the District or Parish in which said property is located. And whenever any person, upon whom a tax is imposed by this Act, has no visible property upon which an execution can be levied, it shall be the duty of the Tax Collector to sue out of the District Court a special attachment, attaching moneys and credits in the hands of any one whomsoever, and due to such person, which special attachment shall be conducted in the same way and be subject to the same regulations as are provided for special attachments in the Act to establish District Courts: *Provided*, That any employer may make returns of the names of such persons as are employed by him, and pay the tax of such person, in which case the tax receipts shall be a good and valid set-off in any action for wages by such employee against such employer.

Machinery
exempted.

III. In making assessments for taxes on the value of taxable property used in manufacturing, or for railroad purposes, within this State, the value of the machinery used therein shall not be included, but only the value of the lots and buildings as property merely.

Sullivan's Is-
land property.

IV. That the lots and houses on Sullivan's Island shall hereafter be returned to the Tax Collector of the tax District in which they are situated, in the same manner as other town lots and houses, and shall be liable to the same rates of taxation.

Taxes, how
paid.

V. That the taxes herein levied shall be paid only in gold and silver coin, United States Treasury notes, or notes declared to be a legal tender by the Government of the United States, or such Bills Receivable as may be issued under the authority of the present Legislature; and also pay certificates of Jurors and Constables for attendance on the Court of Common Pleas; pay certificates of bearers of votes for Governor and Lieutenant Governor and Members of Congress; and pay certificates of Members of this session of the Legislature. The Tax Collectors of the several collection Districts shall be allowed, on all sums of money paid into their hands for taxes, a commission as follows, that is to say: The Tax Collector of Horry and St. James', Goose Creek, a commission at the rate of ten per cent.; the Tax Collectors of Anderson, Chester, Chesterfield, Christ Church, Clarendon, Darlington, Greenville, Lancaster, Laurens, Lexington, Marion, Marlboro, Newberry, Orange, Pickens, Prince William's, Spartanburg, All Saints', St. Andrew's, St. George's, Dorchester; St. James', Santee; St. John's Berkeley, St. Luke's, St. Paul's, St. Peter's, St. Thomas' and St. Dennis', Union, York, Williamsburg and Barnwell, at the rate of seven per cent.; the Tax Collector of St. Philip's and St. Michael's, at the rate of four per cent., until the commission amounts to three thousand dollars, and after that amount, on all remaining sums, at one per cent.; all the other Tax Collectors, a commission at the rate of five per cent. Tax Collectors shall make their returns at the Treasury, in Columbia, on or before the first of August.

Commissions
of Tax Collect-
ors.

VI. That before the collection of the taxes herein levied, an assessment shall be made of the actual value of the property taxed; and for that purpose the Tax Collectors of the several Districts and Parishes, except the Parishes of St. Philip and St. Michael, are hereby constituted Assessors, for which additional labor they shall receive as compensation a sum equivalent to forty per cent. of their tax commissions as allowed by this Act. That each Tax Collector, before entering upon his duties as Assessor, shall take and subscribe before the Clerk of the Court of the District the following oath, which shall be endorsed on his commission, viz: "I, A. B., do promise and swear that I will, to the best of my ability, execute the duties of Assessor for my collection District, and will, without favor or partiality, ascertain and assess the actual value of the property, real and personal, upon which an *ad valorem* tax is laid before, and for the purpose of laying such tax."

A. D. 1865.

Assessments
to be made.

Oath of office.

VII. It shall be the duty of the Assessor in each District to require from each tax-payer, or person subject to taxation under this Act, a full return, on oath, of all cotton, crude turpentine, spirits of turpentine and resin in his or her hands on the first day of October last, subject to taxation under this Act; and in case any tax-payer, or person subject to such tax, shall neglect or refuse to make such return, on oath, as aforesaid, it shall be the duty of such Assessor forthwith to assess the probable value of such cotton, crude turpentine, spirits of turpentine and resin subject to such tax in the hands of such person as aforesaid, which said assessment shall be held to be true, and the tax be estimated thereon, unless such tax-payer or person liable to such tax shall, within ten days after notice thereof, make return, on oath, to such Assessor of all his cotton, crude turpentine, spirits of turpentine and resin so liable to tax as aforesaid.

Duty of Tax
Collectors.

VIII. That it shall be the duty of the Treasurer to cause the official bonds of the several Tax Collectors of this State to be examined by the Commissioners appointed in their respective tax Districts to approve public securities, and if the said bonds are found to be sufficient and satisfactory, they shall re-affirm their original approval thereof; but if found insufficient and unsatisfactory, they shall require the same to be re-executed and renewed with good and sufficient sureties.

Duty of Treas-
urer.

IX. The Treasurer of the State is hereby authorized to borrow, on the faith and credit of the State, a sum not exceeding one hundred thousand dollars, payable not more than twelve months after date, and to deposit such collateral securities as may be received and transferred to the State by the President of the Bank of the State for the same purpose: *Provided, however,* If the said loan has already been negotiated in accordance with a joint resolution of both Houses of the General Assembly, then the authority granted to the Treasurer shall not be exercised, unless to substitute for the note of the President of the Bank of the State the note or obligation of the Treasurer of the State: *Provided, furthermore,* That the Treasurer shall execute an obligation to the President of the Bank for all collateral securities he may obtain from said bank in behalf of the State.

Money to be
borrowed.

Proviso.

X. The taxes prescribed to be levied and collected by this Act,

A. D. 1865.

Money, who
to pay out.

Branches of
the Bank of
the State to be
closed.

as well as the sum of one hundred thousand dollars authorized to be borrowed by this Act, and also all Bills Receivable which may be hereafter issued by virtue of any Act that may be passed at the present session of the General Assembly, shall be paid out by the Treasurer only, in obedience to an Act of the General Assembly at its present or some future session.

XI. That the President and Directors of the Bank of the State of South Carolina be, and they are hereby, authorized and required to close the branches and agencies of said bank, and that the principal bank in Charleston shall cease to be a bank of issue, but shall continue to act as a bank of deposit until further action of the Legislature; and the said President and Directors are hereby authorized and required to collect the assets and property of the bank, and hold the same specially appropriated, first, to the payment of the principal and interest of the bonds known as the Fire Loan Bonds, payable in Europe; second, to the payment of the principal and interest of the Fire Loan Bonds, payable in the United States; and third, to the redemption of outstanding notes hitherto issued by said bank. That the bank aforesaid is hereby required to receive on special deposit, and to pay out on checks founded on such deposits, such Bills Receivable or other evidences of indebtedness as the State may order to be issued in payment of amounts due. That the said bank shall, as agent of the State, continue to receive and hold on deposit, as now provided by law, the funds of the State; and the President and Directors are hereby authorized and required to make arrangements, by an agency, for the reception, safe-keeping and paying out of said funds in Columbia, on the draft or order of the Treasurer; and they shall also provide offices for the Comptroller and Treasurer, and for these purposes they are hereby authorized to use any part of the new State Capitol, or any other building belonging to the State which may not be in use by the State.

In the Senate House, the twenty-first day of December, in the year of our Lord one thousand eight hundred and sixty-five.

W. D. PORTER, President of the Senate.

C. H. SIMONTON, Speaker House of Representatives.

Approved: JAMES L. ORR.

No. 4729. AN ACT TO MAKE APPROPRIATIONS FOR THE YEAR COMMENCING IN OCTOBER, ONE THOUSAND EIGHT HUNDRED AND SIXTY-FIVE.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the following sums be, and they are hereby, appropriated for the payment of the various officers and expenses of the State Government, that is to say: In the Executive Department: For the salary of the Governor, three thousand five hundred dollars; for the Private Secretary of the Governor, twelve hundred dollars; for the Messenger of the Governor, one hundred dollars; for the

For Execu-
tive Depart-
ment.

Contingent Fund of the Executive Department, ten thousand dollars, to be subject to the draft of the Governor, and to be accounted for annually by him to the Legislature; for the rent of the Governor's house, in Columbia, three hundred dollars.

A. D. 1865.

II. In the Legislative Department: For the pay of the Members of the Legislature and the Attorney General and Solicitors, during the special and present session, fifty-three thousand dollars, if so much be necessary; and for the expenses of the late Convention, nineteen thousand three hundred and two dollars and ten cents; for the salaries of the Clerks of the Senate and House of Representatives, twelve hundred dollars each; and to the said Clerks for the services of two Assistant Clerks, two hundred and fifty dollars for the Clerk of the House, and two hundred and fifty dollars for the Clerk of the Senate, to be paid at the adjournment of the Legislature; for the salaries of two Messengers and two Door-keepers, each two hundred and fifty dollars, to be paid at the adjournment of the Legislature; to the Messengers of the House and Senate, for extra services as mail carriers, fifty dollars each; for the salary of the Keeper of the State House and Librarian, seven hundred dollars; for the salaries of the Reading Clerks of the Senate and House of Representatives, each two hundred and fifty dollars, to be paid at the end of the session; for the services of four Engrossing Clerks, to be paid under the direction of the Speaker of the House and President of the Senate, the same pay and mileage as is now allowed the members of the General Assembly; for the printers of the Senate and House of Representatives, in pursuance of the contracts made by the Committees of both Houses, to wit: Printing the Acts, Reports and Resolutions of the General Assembly of one thousand eight hundred and sixty-four; also, the State Constitution, Ordinances, Reports and Resolutions of the Convention; also, the current and permanent work of the special and present session of the General Assembly, and for publishing the Acts and Resolutions of the same in a public newspaper, twenty thousand dollars, if so much be necessary: *Provided*, That the number of copies specified in the proposals of the printers, as accepted by the Legislature, shall be printed and deposited in the office of the Treasurer of the State, at Columbia, before the fifteenth day of March next, and the amount to be paid according to the proposals, which shall be ascertained by the Treasurer aforesaid: *And further provided*, That the Public Printer do publish in his newspaper, at Columbia, all the public Acts which may be passed at the present session, within three weeks after the adjournment of the Legislature, and forward by mail, as soon as such paper is issued, a copy to each member of the General Assembly, and to each of the Judges, and to the Attorney General, and each of the Solicitors; for stationery, fuel, distributing Acts, and expenses of the election returns, to include the sums due Messengers for bringing and delivering to the Secretary of State the returns of elections for Governor and Lieutenant-Governor, and members of Congress, four thousand dollars, if so much be necessary; for contingent expenses of Legislative Library, to be paid on draft of the Librarian, accounted for by him at the Treasury, and reported by the Treasurer to the General Assembly, two hundred dollars, if so much be necessary; for the salaries of the two mes-

For Legislative Department.

Time for delivery of public printing.

Acts to be published in newspaper.

A. D. 1865.

For Judiciary
Department.

senger boys of the Senate, one dollar and fifty cents each, per day, during the present session.

Provide.

III. In the Judiciary Department: For the salary of the Chief Justice, thirty-five hundred dollars; for the salaries of ten Judges, three thousand dollars each; for the salary of the Attorney General, eleven hundred dollars; for the salaries of five Solicitors, nine hundred dollars each; for that portion of the salaries of the Law Judges and Chancellors of the said State which has accrued from the first of January to the first day of October, of the present year, and is undrawn, namely: the sum of two thousand two hundred and fifty dollars to each Law Judge and Chancellor, and in case of death, to their personal representatives, according to the same rule for the salary of the Attorney General, the sum of eight hundred and twenty-five dollars; and for each of the Solicitors, the sum of six hundred and seventy-five dollars: *Provided*, That the terms of this appropriation shall not prejudice the claims of these officers for arrears of their salaries previous to the first of January eighteen hundred and sixty-five; for the Clerk of the Court of Appeals, who shall be the Librarian, eight hundred dollars, the same to include the expense of fuel; for the salary of the Messenger of the said Court, two hundred dollars: *Provided*, It shall be the duty of the said Messenger to summon all members of the Bar who are members of the Legislature when their cases may be called for trial; for the purchase of books for the Library of the Court of Appeals, one hundred dollars, to be drawn and expended by order of the presiding Justice; for fire-wood and fuel for the Court of Appeals, fifty dollars, if so much be necessary; for the salary of the State Reporter, one thousand five hundred dollars; and the several appropriations aforesaid for the Clerks, Librarians, Messengers, Reporter, and for the incidental expenses of the Court of Appeals, shall be paid by the Treasurer, only upon warrants, to be drawn by the presiding Judge of the Court of Appeals, at such times and for such portions as they may deem just and proper; and it shall be the duty of the said Reporter to attend in person or by deputy the sittings of the Court of Appeals, and to report such arguments and statements of facts as may be necessary to a correct understanding of the decisions of the said Court; for thirty-one Judges of the District Courts, five hundred dollars each; for the pay of Jurors and Constables, ten thousand dollars, if so much be necessary.

In Treasury
Department.

IV. In the Treasury Department: For the salary of the Treasurer of the State, thirty-two hundred dollars, including the salaries of one or more clerks; for the salary of the Comptroller General twenty-five hundred dollars, including clerk's salary, said clerks to be appointed by and removed at the pleasure of the Treasurer and Comptroller General respectively; for the Assessor of St. Philip's and St. Michael's, for making out and affixing assessments of his annual return, six thousand dollars; for arrears of salaries of the Comptroller General, Comptroller's clerk, Treasurers of the Upper and Lower Divisions and Secretary of State, due from the first day of January last to the first day of October, eighteen hundred and sixty-five, five thousand nine hundred and thirty-four dollars and thirty-seven cents, if so much be necessary.

V. For the University of South Carolina: For the salaries of

eight Professors, eight thousand dollars; for the Librarian of the University, who shall be the Secretary of the Board of Trustees, six hundred dollars, to be paid by the Treasurer of the State, quarterly, in advance, his drafts being countersigned by the Chairman of the Executive Committee of the Board of Trustees.

A. D. 1865.

For South
Carolina Uni-
versity.

VI. For the Ordinary Civil Expenses: For the payment of the contingent accounts of the State, four thousand dollars, if so much be necessary; for the payment of pensions and annuities, three hundred dollars, if so much be necessary; for the payment of such claims as shall be admitted by the Legislature at its present session, four thousand dollars, if so much be necessary; for the education of the deaf and dumb, and of the blind, five thousand dollars, if so much be necessary, to be paid to the Commissioners in the same manner as the appropriation heretofore made; for the support of Free Schools, twenty-five thousand dollars, if so much be necessary, to be distributed on the basis of representation in the popular branch of the General Assembly, and that no District be excluded from a share of this appropriation because of default of Commissioners in making their annual report; for the payment of such other claims or demands on the State as may be allowed by the General Assembly upon the reports of other Committees, five thousand dollars, if so much be necessary; for the Lunatic Asylum, twenty thousand eight hundred and ninety-seven dollars, and that twelve thousand dollars of this sum be refunded out of any moneys now due the Asylum, which may be collected during the year, if so much shall be collected; for Librarian, acting also as Treasurer and Secretary of the Trustees, five hundred and twenty-five dollars for the year eighteen hundred and sixty-five.

For Ordinary
Civil Expenses.

VII. For Military Expenditures: For the salaries of the following officers: For the salary of the Adjutant and Inspector General, fifteen hundred dollars; for the support of the Military Academy at Charleston, five thousand dollars, if so much be necessary (to be paid when the Institution goes into operation); for military contingencies, ten thousand dollars, to be drawn and accounted for as directed by the Legislature; for the salary and services of the Secretary of State, eight hundred dollars, in lieu of all charges against the State for signing military and civil commissions; one thousand dollars for the services of Wm. R. Huntt in preserving the records of the State.

For Military
Expenditures.

VIII. For the Ordinary Local Expenditures: For maintaining and keeping open the Roper Hospital in Charleston, three thousand dollars, to be paid to the Medical Society in trust for the Roper Fund to defray the expenses of the said Hospital: *Provided*, This appropriation shall not go into effect until the buildings shall have been released by the United States military authorities.

For Ordinary
Local Expend-
itures.

IX. For the support of the Catawba Indians, twelve hundred dollars, if so much be necessary, to be paid to the order of the Indian Agent, and to be expended under the direction of the Governor.

For support of
Indians.

X. For Public Buildings: For building log houses, to serve the purpose of jails in Kershaw, Sumter, Clarendon, Lancaster, Ches-

For public
buildings.

A. D. 1865.

terfield, Barnwell, Richland, Beaufort, Lexington and Orangeburg Districts, one thousand dollars each; for building or renting houses for the sittings of the Court in Clarendon, Orangeburg, Chesterfield, Richland, Barnwell, Beaufort and Lexington Districts, one thousand dollars each; for removing public records to Charleston, three hundred dollars; for removing public records to Barnwell District, one hundred dollars; for removing records of Treasurer of the Upper Division from Newberry Court House to Columbia, about four thousand pounds, the sum of one hundred dollars, if so much be necessary; the above sums, or only so much thereof as may be necessary, are hereby appropriated and are to be drawn and expended by the Commissioners of Public Buildings for the Districts respectively, and accounted for by them; for enclosing the State House Grounds, twenty-five hundred dollars, if so much be necessary, to be paid on the drafts of the Governor.

For extraordinary expenditures.

XI. For Extraordinary Expenditures: For the rent and fixtures of a house for the use of the Court of Appeals, three hundred dollars, the contract relating thereto to be approved by the Chief Justice before the money is drawn on his order; and for new dockets, the sum of one hundred dollars; for the expenses and services of the Special Agent at Washington, one thousand dollars; for the payment of the Clerk of the Senate and the Clerk of the House of Representatives, for services at the special session, four hundred and fifty dollars each: *Provided*, Said officers shall receive no compensation for services rendered at any extra session called before the fourth Monday in November next. That an amount not exceeding one hundred thousand dollars is hereby appropriated for the payment, when it falls due, of the money authorized to be borrowed under Joint Resolution of the two Houses, at the present session; and that the Treasurer pay the same from any money in the Treasury; to defray the expenses of the Commissioners on the Code of Laws in relation to persons of color, including hire of clerks, the sum of four hundred dollars, to be paid to the order of either of the Commissioners; to the Treasurer, for having carried the Acts and Resolutions of the General Assembly from any District in which they have accumulated, and where there is a surplus, to any District where they have been destroyed and are needed, the sum of two hundred dollars, if so much be necessary; for the transportation of the State records, five hundred dollars, if so much be necessary, to be paid to the officers having charge of them, in proportion to the cost incurred by them respectively.

In the Senate House, the twenty-first day of December, in the year of our Lord one thousand eight hundred and sixty-five.

W. D. PORTER, President of the Senate.

C. H. SIMONTON, Speaker House of Representatives.

Approved: JAMES L. ORR.

AN ACT PRELIMINARY TO THE LEGISLATION INDUCED BY THE
EMANCIPATION OF SLAVES.

A. D. 1865.

No. 4730.

Preamble.

Whereas the Convention of this State, by the Constitution lately ratified, did recognize the emancipation of slaves and declare that "neither slavery nor involuntary servitude, except as a punishment for crime, shall ever be re-established in this State," and did direct that, for each District in the State, there should be established an Inferior Court, to be styled "the District Court, which Court shall have jurisdiction of all civil causes wherein one or both of the parties are persons of color, and of all criminal causes wherein the accused in a person of color;" therefore,

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That this Act shall be preliminary to "An Act to establish and regulate the domestic relations of persons of color, and to amend the law in relation to paupers, vagrancy and bastardy;" and "An Act to establish District Courts," and "An Act to amend the Criminal Law," which Acts have been induced by the Constitution aforesaid; and that in reference to these Acts the following provisions shall obtain:

Preliminary to certain Acts.

II. Words importing the singular number only shall be construed to apply to several persons or things as well as one person or thing, and every word importing the masculine gender only, shall be construed to extend to a female as well as a male, where the context does not forbid such construction.

Construction of words.

III. All free negroes, mulattoes and mestizoes, all freedmen and freedwomen, and all descendants through either sex of any of these persons, shall be known as *persons of color*, except that every such descendant, who may have of Caucasian blood seven-eighths or more shall be deemed a white person.

Persons of color.

IV. The Statutes and regulations concerning slaves are now inapplicable to persons of color; and although such persons are not entitled to social or political equality with white persons, they shall have the right to acquire, own and dispose of property; to make contracts; to enjoy the fruits of their labor; to sue and be sued; and to receive protection under the law in their persons and property.

Rights of colored persons.

V. All rights and remedies respecting persons or property, and all duties and liabilities under laws, civil and criminal, which apply to white persons, are extended to persons of color, subject to the modifications made by this Act and the other Acts hereinbefore mentioned.

Rights and remedies extended.

In the Senate House, the nineteenth day of December, in the year of our Lord one thousand eight hundred and sixty-five.

W. D. PORTER, President of the Senate.

C. H. SIMONTON, Speaker House of Representatives.

Approved: JAMES L. ORR.

A. D. 1865.

AN ACT TO AMEND THE CRIMINAL LAW.

No. 4731.

Be it enacted by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, as follows :

SOME FELONIES WITHOUT BENEFIT OF CLERGY.

- Assaults.** I. Either of the crimes specified in this first Section shall be felony without benefit of clergy, to wit: For a person of color to commit any wilful homicide unless in self-defense; for a person of color to commit an assault upon a white woman with manifest intent to ravish her; for a person of color to have sexual intercourse with a white woman by personating her husband; for any person to raise an insurrection or rebellion in this State; for any person to furnish arms or ammunition to other persons who are in a state of actual insurrection or rebellion, or permit them to resort to his house for advancement of their evil purpose; for any person to administer, or cause to be taken by any other person, any poison chloroform, soporific or other destructive thing, or to shoot at, stab, cut or wound any other person, or by any means whatsoever to cause bodily injury to any other person, whereby, in any of these cases, a bodily injury dangerous to the life of any other person is caused, with intent in any of these cases to commit the crime of murder, or the crime of rape, or the crime of robbery, burglary or larceny; for any person who had been transported under sentence to return to this State within the period of prohibition contained in the sentence; or for a person to steal a horse, or a mule, or cotton packed in a bale ready for market.
- Rape.**
- Insurrection.**
- Poisoning.**
- Theft.**
- Parcels of a dwelling house** II. A kitchen, smoke-house, corn-crib, store-room, dairy, servants' room, carriage house, barn or stable, rice-pounding mill, threshing-mill, store-barn, mill-house, gin-house, work-shop, factory or potato-house, within two hundred yards of a dwelling-house, and used by any person residing in the dwelling-house, or in either of the buildings here enumerated, shall be considered parcel of such dwelling-house in respect to the crimes of burglary and arson, and all crimes which, either by common law or Statute, are constituted or aggravated by being committed in a dwelling-house. And under this Section, any house in which dwells a watchman or other person appointed to watch or protect property, shall be considered a parcel of the dwelling-house, of which all the buildings just enumerated shall be protected.

SOME FELONIES WITH BENEFIT OF CLERGY.

- Attempted crimes.** III. Either of the crimes specified in this third Section shall be felony with benefit of clergy, to wit: For any person to attempt to raise an insurrection or rebellion in this State or to counsel, aid or hire any other person to raise any insurrection or rebellion, although no insurrection or rebellion may take place; for any person to administer, or cause to be taken by any other person, any poison, chloroform, soporific or other deleterious thing, or to shoot at, stab, cut or wound any other person, or by any means whatsoever to cause

A. D. 1835.

bodily injury to any other person, whereby, in any of these cases, a bodily injury, serious but not dangerous to life, is caused to any other person, with intent in any of these cases to commit the crime of murder, or the crime of rape, or the crime of robbery, burglary or larceny; for any person to commit an assault with any kind of loaded arms, or with a sword, dirk, knife, axe, hatchet or other deadly weapon, whereby bodily injury to any person is caused, with intent to commit the crime of murder, or the crime of rape, or the crime of robbery or burglary; for any person to steal or destroy, or wilfully conceal any last will and testament, or any paper in the nature of a last will and testament; for any person to break and enter any corn-crib, cotton-house, gin-house, meat-house, stable, shop, store-room, ware-house, counting-house, or other out-house, not by the second Section of this Act, or by previous law, parcel of a dwelling-house, and steal therein any chattel, money or valuable security; for any person to steal any bull, cow, ox, steer or calf; or to steal any sheep, hog or goat; for any person unlawfully and maliciously to burn or destroy, or cause to be burned or destroyed any cotton, in the seed or ginned, loose or in bale, any corn, shucked or unshucked, any wheat, rice, oats, rye, barley, peas or other grain, thrashed or unthrashed, any fodder, hay, straw or shucks, if property to the value of ten dollars be thereby destroyed; for any person, unlawfully and maliciously to burn or destroy, or cause to be burned or destroyed any gin-house, mill-house, shop, or other out-house or building, not by the second Section of this Act, or by previous law, parcel of a dwelling-house; for any servant to steal any chattel, money or valuable security, to the value of ten dollars, belonging to or in the possession or power of his master or employer, or being in any dwelling-house; for any person to take from any field, not belonging to or being in the possession of such person, any cotton, corn, rice, or other grain, although the same may not have been severed from the soil fraudulently, with an intent secretly to convert the same to the use of such person taking the same; or for any person wilfully to set fire to turpentine farms; for any person wilfully to cut any rice field dam, or disturb any tank or flood-gate, whereby damage may be caused to the growing crop.

IV. The punishment of felony with benefit of clergy, for the first offense, shall, at the discretion of the Court, be by one or more of the following modes, to wit: Transportation beyond the limits of this State, and prohibition of return for a period not less than five years; confinement in a penitentiary, work-house or penal farm, (when such institutions shall exist,) for a period not less than three months, nor more than ten years; with such imposition of hard labor and solitary confinement as may be directed; whipping in all cases involving the *crimen falsi*; disqualification to vote, for a term of years not exceeding twenty, at any election made by the people of this State, or of any part thereof, for any civil or political office; confinement in treadmill or stocks, solitary confinement, hard labor, corporal punishment; imprisonment, not less than three months nor more than ten years; fine, not less than one hundred dollars, nor more than five thousand dollars. But no punishment more degrading than imprisonment shall be imposed on a white person for a crime not infamous.

Modes of punishment.

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SOME MISDEMEANORS.

Aggravated
misdemeanors.

V. The offenses specified in this fifth Section shall be aggravated misdemeanors, to wit: For any person to administer, or attempt to administer to any other person, or cause to be taken, or to attempt to cause to be taken, by any other person, any poison, chloroform, soporific, or other deleterious thing; or for him to commit an assault on any other person, with intent in any of these cases to commit the crime of murder, or the crime of rape, or the crime of robbery, or larceny, or with the intent to maim, disfigure or disable such other person, or to do some other grievous bodily harm to such other person, or with intent to resist or prevent the lawful apprehension or detainer of any person, although no bodily injury may be effected; for any servant to steal any chattle, money, or valuable security, below the value of ten dollars, belonging to or in the possession or power of his master or employer, or being in any dwelling house; for any person unlawfully and maliciously to burn or destroy, or cause to be burned or destroyed any agricultural product, although property to the value of ten dollars may not thereby be destroyed; for a servant to assault his master or employer, or any member of his master's or employer's family, or any person authorized to direct and control him.

Punishment
for simple lar-
ceny.

VI. All simple larcencies and thefts, where the value of the goods and chattles, moneys and valuable securities stolen is less than ten dollars, shall be misdemeanors, punishable by whipping, corporal punishment, hard labor, and the necessary imprisonment, at the discretion of the Court.

Violation of
trust to be lar-
ceny.

VII. Of chattels, moneys and valuable securities, which were delivered by the owner thereof to any other person to be kept, carried or otherwise dealt with for the owner, or which were in the custody of any other person, under any trust reposed in such other person by the owner, the felonious carrying away by such other person shall be larceny.

Punishment
for embezzle-
ment.

VIII. If any clerk, servant or other employee, shall receive or take into his possession any chattel, money or valuable security, for or in the name of, or on the account of his employer or master, and shall fraudulently embezzle the same, or any part thereof, such clerk, servant or employee shall, upon conviction thereof, be punished in the same way as if he had been convicted of having feloniously stolen from the employer or master chattels, moneys or valuable securities of the same amount in value. In any such case, except when the offense shall relate to a chattel, it shall be sufficient to allege the embezzlement to be of money, without specifying any particular coin or valuable security, and to prove the embezzlement of any amount of moneys or valuable securities. If in any such case, upon the trial the proof shall show a larceny, the jury shall be at liberty to return a verdict that the offender is not guilty of embezzlement, but is guilty of simple larceny, or of larceny as a servant, as the case may be; and upon the trial of a clerk, servant or employee for larceny, if the proof shall show an embezzlement, the jury shall be at liberty to return a verdict that the offender is not guilty of larceny, but is guilty of embezzlement; and thereupon, in either case, the effect shall be the same as if the

offense whereof the offender is found guilty had been specially alleged, the amount in value being taken to be that which was alleged, unless the verdict shall fix a less amount. No person tried for embezzlement or larceny as aforesaid shall be liable to be afterwards prosecuted for larceny or embezzlement upon the same facts.

A. D. 1865.

IX. If any person shall incite, procure, hire or counsel a servant to commit a larceny or embezzlement of any chattels, money or valuable security of his master, such offender shall be guilty of an offense, which, according to the event, may be a misdemeanor or a felony. If the said larceny or embezzlement should not be committed by such servant, the offender shall be guilty of a misdemeanor, and, upon conviction, be punished as if he had been convicted of simple larceny of goods below the value of ten dollars. If the said larceny or embezzlement should be committed by the servant, and be itself only a misdemeanor, the offender aforesaid shall be deemed a principal in that misdemeanor, and, upon conviction, be punished accordingly. If the said larceny or embezzlement committed by the servant should be a felony, the offender aforesaid shall be an accessory before the fact, may be tried and convicted, whether his principal be or be not previously convicted, and, upon conviction, shall be punished according to the nature of his crime under the law.

An accessory guilty of a felony.

X. A person of color who is in the employment of a master engaged in husbandry shall not have the right to sell any corn, rice, peas, wheat or other grain; any flour, cotton, fodder, hay, bacon, fresh meat of any kind, poultry of any kind, animal of any kind, or any other product of a farm, without having written evidence from such master or some person authorized by him, or from the District Judge or a Magistrate, that he has the right to sell such product; and if any person shall directly or indirectly purchase any such product from such person of color, without such written evidence, the purchaser and seller shall each be guilty of a misdemeanor. The purchaser, upon conviction of any such offense, shall be liable to a fine not exceeding five hundred dollars, and to suffer imprisonment not exceeding twelve months. The seller shall be liable to a fine of at least five dollars, and at least equal to twice the value of the product sold; and if that be not immediately paid, shall suffer corporal punishment.

Unlawful sale of property.

XI. It shall be a misdemeanor for any person not authorized to write or give to a person of color a writing which professes to show evidence of the right of that person of color to sell any product of a farm, which, by the Section last preceding, he is forbidden to sell without written evidence; and any person convicted of this misdemeanor shall be liable to the same extent as the purchaser, in the Section last preceding, is made liable; and it shall be a misdemeanor for a person of color to exhibit, as evidence of his right to sell any product, a writing which he knows to be false or counterfeited, or to have been written or given by any person not authorized; and, on conviction of this misdemeanor before the District Court or a Magistrate, such person of color shall be liable, as, in Section last preceding, the seller is made liable. These provisions shall *mutatis mutandis* extend to cases where the writing

Unauthorized writing.

- A. D. 1865. professes to be a permit of absence, or permit of any other kind. The fines in any of these cases being at the discretion of the Judge or Magistrate.
- Degree of offense. XII. Where no special punishment is provided for a misdemeanor, it shall, according to its nature and degree, be punished, at the discretion of the Court, by one or more of the modes of punishment which, in the fourth Section of this Act, have been enumerated for a felony with benefit of clergy, except transportation.
- Persons of color not part of Militia. XIII. Persons of color constitute no part of the militia of the State, and no one of them shall, without permission in writing from the District Judge or Magistrate, be allowed to keep a fire arm, sword, or other military weapon; except that one of them, who is the owner of a farm, may keep a shot gun or rifle, such as is ordinarily used in hunting, but not a pistol, musket, or other fire arm or weapon appropriate for purposes of war. The District Judge or a Magistrate may give an order, under which any weapon unlawfully kept may be seized and sold, the proceeds of sale to go into the District Court fund. The possession of a weapon in violation of this Act shall be a misdemeanor, which shall be tried before a District Court or a Magistrate; and, in case of conviction, shall be punished by a fine equal to twice the value of the weapon so unlawfully kept; and if that be not immediately paid, by corporal punishment.
- Carrying of weapons a misdemeanor. XIV. It shall not be lawful for a person of color to be the owner, in whole or in part, of any distillery where spirituous liquors of any kind are made, or of any establishment where spirituous liquors of any kind are sold by retail; nor for a person of color to be engaged in distilling any spirituous liquors, or in retailing the same in a shop or elsewhere. A person of color who shall do anything contrary to the prohibitions herein contained shall be guilty of a misdemeanor, and, upon conviction, may be punished by fine or corporal punishment and hard labor, as to the District Judge or Magistrate before whom he may be tried, shall seem meet.
- Falsely personating. XV. If any person shall falsely personate any master or employer, and shall, either personally or in writing, give any false, forged or counterfeited character to any person offering himself to be hired as a servant, such person so offending shall be guilty of a misdemeanor.
- False assertions. XVI. If any person shall knowingly and wilfully pretend, or falsely assert in writing, that any servant has been hired or retained for any period of time whatsoever, or in any station or capacity whatever, other than that for which, or in which such servant shall have been hired or retained, such person so offending shall be guilty of a misdemeanor.
- False discharges. XVII. If any person shall knowingly and wilfully pretend, or falsely assert in writing, that any servant was discharged, or left his service, at any other time than that at which he was discharged or actually left such service, or that any such servant had not been hired or employed in any person's service, contrary to truth, then, in either of these cases, such person shall be guilty of a misdemeanor.
- Counterfeit certificates. XVIII. If any person shall offer himself as a servant, asserting or pretending that he hath served in any service in which he shall

not actually have served, or with a false, forged or counterfeit certificate of his character, or shall, in anywise, add to, or alter, efface, or erase any date, matter or thing contained in, or referred to, in any certificate given to him by his last or former master or employer, or by any other person duly authorized by such master or employer to give the same, then, in either of these cases, such person so offending shall be guilty of a misdemeanor.

XIX. If any person, having before been in service, shall, when offering to hire himself as a servant in any service whatsoever, falsely and wilfully pretend not to have been hired or retained in any previous service as a servant, such person so offending shall be guilty of a misdemeanor.

XX. In case of conviction of either of the misdemeanors specified in the five Sections last preceding, the punishment shall be a fine not exceeding one hundred dollars; and in case the fine shall not be immediately paid, there shall be substitution of other punishments as hereinafter provided.

XXI. Every wilful trespass is hereby declared to be a misdemeanor, and any person guilty thereof may be either sued for damages or prosecuted for the misdemeanor, at the option of the party injured; and, in case of conviction of the misdemeanor, the punishment shall be a fine apportioned to the damage done, and the circumstances of enormity attending the trespass, with substitution of other punishment, as hereinafter provided, if the fine be not immediately paid.

XXII. No person of color shall migrate into and reside in this State, unless, within twenty days after his arrival within the same, he shall enter into a bond with two freeholders as sureties, to be approved by the Judge of the District Court or a Magistrate, in a penalty of one thousand dollars, conditioned for his good behavior, and for his support, if he should become unable to support himself. And in case any such person shall fail to execute the bond as aforesaid, the District Judge or any Magistrate is hereby authorized and required, upon complaint and due proof thereof, to issue his warrant commanding such person of color to leave the State within ten days thereafter. And if any such person, so ordered to leave the State, shall not leave the State within the time prescribed in such warrant, he shall, upon conviction thereof, be liable to such corporal punishment as the Court, in its discretion, shall think fit to order. And if any such person so convicted and punished shall still remain within the State more than fifteen days after the punishment shall have been inflicted, or having left the State, shall return to the same, he shall, upon conviction thereof, be transported beyond the limits of this State for life, or be kept to hard labor, with occasional solitary confinement, for a period not exceeding five years. And if any person of color who shall have been convicted of any infamous offense in any other State or country, shall come or be brought into this State, such person of color, on conviction thereof, shall be transported beyond the limits of this State for life, or be kept to hard labor, with occasional solitary confinement, for any period not exceeding fifteen years.

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A hired servant offering service.

Punishments for some misdemeanors.

Trespass a misdemeanor.

Migration into this State.

Orders to leave the State.

Offenses in other States.

A. D. 1865.

PROVISIONS EXTENDING TO ALL CLASSES OF OFFENSES AND ALL COURTS—SOME PROVISIONS UNDER OTHER HEADS LIKEWISE EXTENDING TO ALL COURTS.

Trial for
felony.

XXIII. On the trial of any person for felony, when the crime charged shall include an assault against the person, it shall be lawful for the jury to acquit of the felony, and to find against the person indicted a verdict of guilty of assault, if the evidence shall warrant such finding; and when such verdict shall be found, the Court shall have the power, by sentence, to impose upon the person so found guilty, punishment by fine, imprisonment, hard labor, corporal punishment, and solitary confinement, one or more, as may, in the opinion of the Judge, be required by the degree of the offense. In like manner there may be conviction of any less offense contained in a greater which is charged, and punishment at the discretion of the Court, according to the nature and degree of the offense of which the accused has been found guilty.

Recommendation to mercy.

XXIV. When several persons of color are convicted of one capital offense, the jury which tries them may recommend one or more to mercy, for reasons which in their opinion mitigate the guilt; the District Judge shall report the case with his opinion, and the Governor shall do in the matter as seems to him meet. The same may be done when one only is convicted of a capital offense. Before sentence of death shall be executed in any case, time for application to the Governor shall be allowed.

Hard labor.

XXV. Hard labor shall be work on the roads, streets, or public works, under the supervision of a Superintendent of Convicts, if there be such an officer who can be conveniently employed, or under the supervision of the Sheriff, a Constable, Jailor, or other person that may be appointed by the District Judge, or by the Sheriff; or it shall be work on any building, or other undertaking, or in any business of a private individual, who will pay reasonable wages, and can be safely entrusted with the supervision; the Judge or the Sheriff, under the directions of the District Judge, making choice of the place and manner of employment from time to time. In any case the work may, according to the directions of the Judge be without unusual pain or restraint, or it may be done in a chain gang, or with ball and chain, or under other pain or burden; and it may be without, or may be attended with confinement. A Magistrate shall, as to cases before him, have the power which is here given to the District Judge.

Corporal punishment.

XXVI. Corporal punishment is intended to include only such modes of punishment, not affecting life or limb, as are used in the army or navy of the United States, adapted in kind and degree to the nature of the offense. The sentence in each case, and directions of the Judge or Magistrate, shall define it. Whipping, when it is provided for by the law, shall be inflicted as heretofore.

Substitution of punishment.

XXVII. Whenever, under any law, sentence imposing a fine is passed, if the fine and costs be not immediately paid, there shall be detention of the convict, and substitution of other punishment. If the offense should not involve the *crimen falsi*, and be infamous, the substitution shall be, in the case of a white person, imprisonment for a time proportioned to the fine, at the rate of one day for

each dollar; and in the case of a person of color, enforced labor without unnecessary pain or restraint, for a time proportioned to the fine, at the rate of one day for each dollar. But if the offense should be infamous, there shall be substituted for a fine, for imprisonment, or for both, hard labor, corporal punishment, solitary confinement, and confinement in tread-mill or stocks, one or more, at the discretion of the Judge of the Superior Court, the District Judge, or the Magistrate who pronounces the sentence. In this Act, and in respect to all crimes and misdemeanors, the term servant shall be understood to embrace an apprentice as well as a servant under contract.

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SUPERINTENDENT OF CONVICTS.

XXVIII. The District Judge, when he may think it necessary, shall have power to appoint a Superintendent of Convicts, whose duty it shall be to superintend as many as he can of convicts sentenced to hard labor, to inflict corporal punishments directed upon all convicts within his reach, and to execute the orders of the Judge, Sheriff or Magistrate, in relation to these matters. The Superintendent shall, at his pleasure, have access to apartments in the jail for necessary confinement of convicts, and may, by all necessary means, enforce his authority over the convicts under his supervision, punish their disobedience, and overcome resistance, or attempted rescue offered by them, or any other person. When he shall deem it necessary, he may call upon the *posse comitatus*, with the same effect and under like penalties to those who disobey it, as the Sheriff might do. The Superintendent shall receive a suitable compensation, to be fixed by the District Judge, and paid from the District Court Fund. All wages received from the labor of convicts shall go into that fund, and from that shall be provided food and other necessities for the convicts.

Appointment
of Superinten-
dent of Con-
victs.

ARREST OF OFFENDERS.

XXIX. Upon view of a misdemeanor committed by a person of color, or by a white person toward a person of color, a Magistrate may arrest the offender, and, according to the nature of the case, punish the offender summarily, or bind him in recognizance, with sufficient sureties, to appear at the next monthly sitting of the District Court, or commit him for trial before the District Court.

XXX. Upon view of a misdemeanor committed by a person of color, any person present may arrest the offender and take him before a Magistrate, to be dealt with as the case may require. In case of a misdemeanor committed by a white person toward a person of color, any person may complain to a Magistrate, who shall cause the offender to be arrested, and, according to the nature of the case, to be brought before himself, or to be taken for trial in the District Court.

Any person
can complain
or arrest.

XXXI. Upon view of a felony committed, or upon certain information that a felony has been committed, any person may arrest the felon and take him directly to the District Judge or a Magistrate, to be dealt with according to law.

A. D. 1865.
 Arrest at night.

XXXII. In the night time any person may be arrested by such efficient means as the darkness and the probability of his escape render necessary, even if his life should be thereby taken, in cases where he has committed a felony, or has entered a dwelling house with evil intent, or has broken, or is breaking into an out-house, with a view to plunder, or has in his possession stolen property, or being under circumstances which raise just suspicion of his design to steal or to commit some felony, flees when he is hailed.

In the Senate House, the nineteenth day of December, in the year of our Lord one thousand eight hundred and sixty-five.

W. D. PORTER, President of the Senate.

C. H. SIMONTON, Speaker House of Representatives.

Approved: JAMES L. ORR.

No. 4732.

AN ACT TO ESTABLISH DISTRICT COURTS.

Certain District Courts established.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, as follows: In each Judicial District of the State, except Charleston, there shall be established a District Court, which shall be organized by the Judge thereof as soon as possible after his election. In the Judicial District of Charleston there shall be established two District Courts; one for the Election District of Charleston, and one for the Election District of Berkeley.

Salaries of Judges.

II. The Judge of each District Court shall receive from the Treasurer of the State a salary of five hundred dollars a year, payable quarterly; and he shall be entitled, for a further compensation, to receive, annually, from the District Court Fund, as hereinafter provided, an additional sum, as follows, to wit: For Abbeville District, seven hundred dollars; Barnwell District, seven hundred dollars; Colleton District, one thousand dollars; Chester District, five hundred dollars; Darlington District, five hundred dollars; Edgefield District, eight hundred dollars; Fairfield District, five hundred dollars; Georgetown District, one thousand dollars; Laurens District, five hundred dollars; Newberry District, five hundred dollars; Orangeburg District, five hundred dollars; Richland District, one thousand dollars; Sumter District, seven hundred dollars; Union District, five hundred dollars; York District, five hundred dollars; Williamsburg District, five hundred dollars; Berkeley Election District, one thousand dollars; Charleston Election District, one thousand dollars; Beaufort District, one thousand dollars; Kershaw District, five hundred dollars; and for the District Judge in each of the other Judicial Districts of this State, the sum of five hundred dollars: *Provided, however,* That in case the District Court Fund in any District shall prove insufficient for the purpose for such additional compensation, as is herein provided, no claim for the whole or any

Proviso.

part of such additional compensation, upon the Treasury of the State, shall arise by reason of such deficiency: *And provided, also*, That the time when the salaries herein provided for shall commence shall be when the Court is organized, and the Judge is empowered to execute this Act. A. D. 1865.

III. For each District Court the Clerk and Sheriff of the District shall respectively be Clerk and Sheriff, and may act, in person, or by deputy. Whenever, in this Act, or other Acts passed at this session, one of these officers is mentioned, either he or his deputy is meant, unless the context shows that only he himself is intended. Clerk and Sheriff.

IV. The Judge, Clerk and Sheriff of a District Court shall each, before entering on the duties of his office, take the official oath prescribed in the Constitution of the State, and also the following oath, viz: "I solemnly swear, (or affirm) that as (Judge, Clerk or Sheriff, as the case may be,) of the District Court for the District of _____, I will earnestly endeavor to do what is required of me by law, and without prejudice for or against race or color, to conduct myself as becomes an upright and faithful officer." These oaths shall be endorsed on the commission or certificate of appointment of the officer, and with it be entered on the journal of the District Court. Oaths of office.

V. The office of every Magistrate now in office shall continue according to the terms of the appointment under which it is held, with the powers and rights now by law attaching and incident to such office. The Magistrates who are appointed to exercise the powers and duties, and to have the rights imposed by this Act, and the Act entitled "An Act to establish and regulate the domestic relations of persons of color, and to amend the law in relation to paupers and vagrancy," shall be appointed in every District by the District Judge thereof, by and with the advice and consent of a majority of the Delegation of such District in the General Assembly, in such number and so located as the condition of the District may, from time to time, require; and such Magistrates shall have all the powers and rights and may exercise all the duties of Magistrates, by law conferred on Magistrates. Each Magistrate so appointed shall, before entering on the duties of his office, take before the Clerk of his District, the oaths heretofore prescribed for the District Judge, and also the oath prescribed in the second Section of the "Act concerning the office and duties of Magistrates," passed Anno Domini one thousand eight hundred and thirty-nine, and shall sign a roll as required in that Section. The term of his office shall be four years from the day he signed the roll. Continuation of the office of Magistrates.

VI. The sum which limits the proceeding by summary process is enlarged to one hundred dollars, exclusive of costs. In every case under that proceeding, either party may be a witness in his own behalf, or may be required by the adverse party to testify, either by being served with a subpoena, or by being called up under a commission, in like manner as in like circumstances another witness in the case could be; the practice now prevailing in reference to interrogatories propounded to an adverse party not being hereby interfered with. And in every such case no person shall be held incompetent as a witness because of interest. Of all such cases, where both the parties litigant are white persons, there shall be concurrent jurisdic- Limits of summary process.

A. D. 1865.

tion in the Superior Court of Law and in the District Court; all laws, rules, fees, powers and practice in respect to such cases which may prevail in the Superior Court being extended to the District Court.

Jurisdiction
of District
Courts.

VII. The District Court shall have exclusive jurisdiction, subject to appeal, of all civil causes where one or both of the parties are persons of color, and of all criminal cases wherein the accused is a person of color, and also of all cases of misdemeanor affecting the person or property of a person of color, and of all cases of bastardy, and all cases of vagrancy, not tried before a Magistrate. In these cases the same laws, fees, powers and practice shall prevail in the District Court as in the Superior Court, except as to juries, concerning which provision is hereinafter made, and except as to matters of form, concerning which power is hereinafter given to the Court of Appeals. In the District Court, prosecutions shall be conducted by the Attorney General, or Solicitor of the Circuit, to which the District belongs, or by a deputy appointed by such Attorney General or Solicitor; or, in the absence of all of these, by an Attorney appointed by the District Judge. Whenever in a case affecting the person or property of a person of color, which arises within the District of a District Judge, that Judge may have an interest, the process may be made returnable, and the case be tried before the District Court of any adjoining District which the plaintiff or actor in the case may select.

Prosecutions.

Powers in
reference to
Constables and
Jurors.

VIII. The District Court shall have the same power and jurisdiction as the Superior Court of Law in reference to Constables, Jurors, punishment of contempt. The District Court shall have power in all cases of tenants holding over, cases of forcible entry and detainer, cases under the Insolvent Debtors Acts, where the arrest and detention are under the process of a District Court, all cases under the Prison Bounds Acts, and all matters of District police; the practice being always conformed, in general, to that of the Superior Court, subject to the rules which may be made by the Court of Appeals.

Supervision
of District
Judge.

IX. The Judge of a District Court shall, in all respects, have the power of a Magistrate for his District. He shall exercise supervision over the Clerk and Sheriff of his Court, the Coroner, all Magistrates, Constables, Boards of Commissioners, and other public functionaries of his District; and from him to any of them may proceed orders, rules and attachments, or writs of *mandamus*, prohibition, *certiorari*, *quo warranto* or *scire facias*.

Powers in
reference to
habeas corpus.

X. The Judge of a District Court shall have the powers in respect to *habeas corpus* which two Magistrates have under the ninth Section of the "Act concerning the office and duties of Magistrates," passed Anno Domini one thousand eight hundred and thirty-nine; he may admit to bail in all cases bailable, and in all case triable in his Court; and may also exercise jurisdiction under *habeas corpus* at common law in all cases, within his District, where the liberty of a person of color is restrained, or the liberty of any person is restrained by a person of color; and in all cases, within his District, which affect white persons only; except that he shall not have the power of a Judge of a Superior Court to discharge or let to bail a white person charged with a felony not clergyable, against whom a true bill has been found.

XI. The Judge of a District Court shall have the power which is given to two Magistrates by the Act of one thousand seven hundred and eighty-seven concerning vagrants; and shall likewise have the power which two Magistrates have under the twenty-third Section of the "Act concerning the office and duties of Magistrates," passed Anno Domini one thousand eight hundred and thirty-nine, in respect to tenants holding over; and in the case of a tenant holding over, or of an issue of fact to be tried under the Prison Bounds Act, or in any other case where, by law, there is provision for trial or inquest by a jury before one or more Magistrates, the District Judge may either proceed to organize a jury, as Magistrates are directed to do, and have trial before himself at a place to be appointed by him, or may take the case into his Court, and submit it to a jury organized there, as is hereinafter provided; and the verdict had in either course shall have all the effect which any verdict before Magistrates would have. An appeal may be taken by either party to a Circuit Judge at Chambers, or in open Court, from the decision of the District Court on the trial of any case between landlord and tenant, or of forcible entry and detainer: *Provided*, That notice of the appeal shall be given in writing to the District Judge, and to the opposite party, or his attorney, within twenty-four hours after the decision shall have been rendered; and that a time not exceeding twenty days shall be stated in the notice as the time at which the application to hear the appeal will be made, which notice shall state before what Judge, and at what place the application will be made. It shall be the duty of the District Judge on whom the notice of appeal may be served to deliver to the appellant or his attorney, within two days after service of such notice, a certified copy of all the proceedings in the case; and for such certificate and copy, the Clerk of the District Court shall be entitled to charge as costs, in the case, fifty cents for the certificate, and one mill for each word of such copy. The Judge before whom the appeal shall be heard shall have the power to reverse the decision, if there be no evidence upon which to sustain it, in cases where the decision shall be for the plaintiff or actor; or may, in any case, grant a new trial, or order an issue made up to be tried in the Circuit Court.

A. D. 1835.

In reference
to vagrants
and tenants.

Proviso.

Decision re-
versed.Sittings of the
District Court.

XII. The District Court shall be always open, and shall be a Court of Record. Ordinarily, it shall sit in the Court Room of the District Court House, except in the District of Berkeley. A place near by shall be provided by the Commissioners of Public Buildings for its sittings, when the Court room may be occupied by the Superior Court. For any sitting, except the quarterly sittings hereinafter mentioned, the District Judge may, however, appoint any place in his District; and there parties, witnesses, jurors and other persons concerned, shall be bound, having due notice, to attend; every summons, notice and process being, however, understood to require attendance at the Court House, if another place be not specified.

XIII. All judgments and decrees obtained in the District Court, the effect of which would be to create a lien on the property of the defendant, shall be entered up at such times as judgments obtained in the Circuit Court thence next ensuing may be entered up.

Judgments.

A. D. 1865.

Monthly sittings of District Courts.

XIV. On the first Monday of every month shall be a monthly sitting of the District Court, which shall continue as long as the despatch of business may require. At this sitting may be tried small and mean causes, small matters, civil and criminal, between persons of color, between white persons and persons of color, between master and servant, between master and apprentice, and between employer and laborer, petty misdemeanors, imputed to persons of color, complaints by persons of color against white persons of misdemeanors, for which a fine not exceeding twenty dollars is a sufficient punishment, civil suits, involving not more than twenty dollars, in which a person of color is a party, and questions concerning vagrants and paupers not requiring a jury. Any business to which a Judge at Chambers is competent, and other business which does not require a jury, may also be done. Besides all business which may be done, as aforesaid, there may also, at this sitting of the District Court, be tried cases of aggravated misdemeanors and clergyable felonies, of which persons of color may be accused, and of misdemeanors requiring punishment exceeding a fine of twenty dollars, and affecting the person or property of a person of color, of which white persons may be accused. These cases may be tried by a common jury, organized as hereinafter provided; and, in case of conviction, punishment shall be awarded by the Judge, according to the practice of the Superior Court of law. At this sitting may also be tried cases of tenants holding over, cases under the Prison Bounds or Insolvent Debtors Acts which are hereinbefore mentioned, and any issue in a civil suit ordered to be tried before a common jury.

Cases that may be tried.

Common Jury.

XV. Previous to a monthly sitting, if the nature of the business shall require a jury, the Judge shall direct the Sheriff to summon a common jury. Thereupon the Sheriff shall return the names of eighteen citizens of the District, and from these nine shall be drawn, in the presence of the Judge, at least ten days before the said monthly sitting; and the jurors so drawn shall be summoned by the Sheriff, and served with tickets, at least five days before they are required to attend; and they shall be bound to attend under the penalties which may fall upon defaulting jurors in the Superior Court of law. Of those who attend, six shall be drawn in open Court, of whom the four first drawn shall constitute the common jury for that sitting, the other two being supernumeraries to supply vacancies. The others who may attend shall be discharged without pay; but the six drawn shall be entitled to like pay as jurors in the Superior Court of law. If less than six, out of the nine summoned, should attend, the Sheriff shall summon a sufficient number that may be drawn of the original eighteen, or in case of their insufficiency, of any other citizens: *Provided*, No person shall be required to attend as a juror more than once in six months. The right to challenge peremptorily one juror is given to the accused and to the prosecuting officer in any criminal case triable before a jury, at a monthly sitting; and the same right is given to each party in a civil suit there triable; unanimity of the four jurors shall be requisite for a verdict.

Provide.

Quarterly sittings of District Court.

XVI. Four times a year there shall be a quarterly sitting of the District Court, to be continued so long as business may require,

and if necessary, to be adjourned from week to week ; at which, besides any business that may be done at a monthly sitting, may be tried cases of summary process pending in the Court ; civil suits, above the summary jurisdiction, wherein one or both of the parties are persons of color, cases of crime or felony punishable by death without benefit of clergy, of which persons of color may be accused, and any other matters pending in the Court. The proceedings in the cases severally shall be, in general, similar to those in like cases in the Superior Court of law, subject to the diversities in form which may be produced by the rules adopted by the Court of Appeals, as hereinafter provided.

A. D. 1865.

Form of proceedings.

XVII. For each quarterly sitting jurors shall be drawn at a monthly sitting, not more than forty nor less than ten days before such quarterly sitting, who shall, under a venire, be summoned by the Sheriff, five days preceding the time which may be fixed for the commencement of the quarterly sitting. With a view to these jurors, once in every two years a list shall be procured from the Tax Collector ; from that the names of all jurors qualified to sit as jurors in the Superior Court shall be entered on tickets, and from those tickets there shall be drawn, for each quarterly sitting, twenty-four, to be copied in the panel annexed to the venire. At the quarterly sitting, from those of the twenty-four who attend, eight shall be drawn, in open Court, who shall constitute a grand jury, and twelve shall be drawn, who shall constitute a petit jury of six, to be called a special jury, and six supernumeraries. Of the grand jurors, the concurrence of six shall be necessary to the finding of a true bill. In the special jury, unanimity of the six shall be required for a verdict. At the opening of a trial, in a capital case, at least twelve jurors shall be present, and of these the accused may make peremptory challenges until the number shall be reduced to six. At the opening of a trial in a civil suit, or in a criminal case not capital, not more than ten jurors need be present, and each party alternately in a civil suit, and the accused, in a criminal case, not capital, may make peremptory challenges, until the jury of six is left. If there should not be sufficient reduction by challenges, the six shall be ascertained by drawing. An insufficient number in any instance shall be supplied by jurors whom the Sheriff shall summon, of the same persons, and in the same way, as has been hereinbefore provided in respect to a common jury. A special jury may do anything for which a common jury is competent. Challenges for cause at either the monthly or quarterly sittings shall be unlimited. A separate jury box shall be provided for the District Court, and in respect to juries, the orders of Court, duties of Tax Collector, Sheriff and Clerk, pay of jurors, penalties for default, and all laws and practice shall, with such modifications as the provisions herein made, and the rules adopted by the Court of Appeals may render necessary, be the same in the District Court as in the Superior Court.

Jurors for each quarterly sitting.

Grand and Special Juries.

Powers of a Special Jury.

XVIII. The Judge shall take care, by proper arrangements of the order of business, and by discharging all jurors who may be present above the necessary number, to reduce the expenses of his Court as much as justice will permit. Each juror shall receive from the Clerk a certificate signed by the Clerk, and countersigned by

Reduction of expenses of Court.

A. D. 1865.

Entries on
the Journal.

the Judge, for such sum as for like services he would have received if a juror of the Superior Court; and this sum shall be paid under the order of the District Court Judge. In like manner there shall be a certificate and payment for any Constable that may attend the Court under the order of the Sheriff, of whom there shall not be more than three without the order of the Judge, which shall be granted only in cases of necessity. The Clerk shall enter on the journal of the Court a roll containing the names of the jurors and Constables who receive certificates, with the sums paid to them respectively; and copies of the rolls for the year preceding, the Clerk shall, annually, after the quarterly sitting in each year, which ends next before the regular session of the General Assembly, transmit to the Treasurer. A condensed statement of all the rolls for all the Districts of the State shall be contained in the annual report of the Treasurer.

Judges of
Court of Ap-
peals to fix the
times for hold-
ing District
Courts.

XIX. The Judges of the Court of Appeals shall, from time to time, fix the days upon which the quarterly sittings of the District Court in each District shall convene, avoiding, as far as possible, interference with the Superior Courts in that District or neighboring District, giving public notice of the several days fixed, and making no unnecessary changes.

Matters de-
termined at
quarterly sit-
tings.

XX. The District Court shall have exclusive jurisdiction, subject to appeal, of all matters of equity, wherein one or both of the parties are persons of color. These matters shall be heard and determined by the District Judge at a quarterly sitting, or at such other time as with his concurrence the parties may fix, with an appeal as from a Chancellor on Circuit. In respect to them, the Commissioner in Equity for the District shall regard the Judge of the District Court as he does a Chancellor in respect to matters in the Superior Court of Equity; and in both of these Courts the law, practice, fees, modes of proceeding, and effect of orders and process shall be, as nearly as may be, the same.

Privileges of
Judges.

XXI. The Judge of a District Court may practice as an Attorney or Solicitor in the Superior Courts of Law and Equity, except in cases which have been argued before him or heard in his Court; but he shall not have a partner in the practice in the District of which he is the Judge.

Duties of the
Clerk of the
District Court.

XXII. The Clerk of a District Court shall attend the monthly and quarterly sittings of the Court, and all other sittings at which the Judge shall require him to attend. He shall keep a full and exact journal of every order, decision, verdict, sentence and act of the Court; having one book for civil suits in which only white persons are parties; second, a book for vagrancy and bastardy; a third book for civil suits in which persons of color are parties; and a fourth for criminal matters, affecting persons of color. All process from the Court shall be signed by him and be sealed. All papers which come into his office shall be carefully kept, and those which are to remain there shall be arranged, labelled and filed away, as nearly as may be, according to the directions given by law concerning papers of the Superior Courts.

Journal of all
decisions.

XXIII. The Judge shall himself keep a journal of all orders, decisions, sentences and acts of the Court, when, in the absence of the Clerk, he is sitting without a jury, which journal shall, from

time to time, at least once a quarter, be filed in the Clerk's office. He may, when necessary, appoint a Clerk *pro tempore*.

A. D. 1865.

XXIV. The Sheriff shall execute all orders, sentences and process from the District Court under like penalties for neglect as for neglect of like orders, sentences and process from a Superior Court; and in like manner he shall, for such neglect, be liable to rule, attachment, action and forfeiture. The Sheriff shall have power to call on the *posse comitatus* to aid him in the execution of all such orders, sentences and process, mesne or final, in civil or criminal matters, where more force than that of one man is required, or resistance is apprehended. Every person who being called to aid as one of the *posse*, does not immediately and earnestly give aid according to the direction of the Sheriff, shall be subject to rule and attachment for contempt, and to a fine not less than twenty dollars, nor more than five hundred dollars.

Execution of
all orders.

Aid to Sheriff.

XXV. The return day of the District Court, for mesne process in civil suits, triable at the quarterly sitting, shall be eight days before each quarterly sitting. In the Superior Court and District Court the law and practice shall be the same as to the liens of judgments and decrees as to the manner of serving process, process served after return day, several defendants residing in different Districts, writs of *fiery facias* and *capias ad satisfaciendum*, exemptions from arrest, bail bonds, orders for suspending executions, writs of attachment, and all other matters wherein diversity is not produced by Act of the Legislature, or rules made by the Judges as hereinafter provided.

Return day.

XXVI. All fees for services required from the Clerk and Sheriff of the District Court shall be paid in cash by the party requiring the services, and according to the judgment and order of the Court, may or may not be recovered against the opposite party. This provision shall extend to all cases, by summary process, in the Superior Court of Law.

Fees of Clerk
and Sheriff.

XXVII. The Sheriff shall keep the papers which come to his office from a District Court separate from those which come from a Superior Court. He shall in one book enter all mesne process from the District Court, and in another all final process from that Court; taking care, however, to preserve the priority of liens by attachment or execution, whatever Court the process may come from.

Duties of
Sheriff.

XXVIII. All fines, penalties, forfeitures and other moneys belonging to the District Court Fund, which the Sheriff may collect under orders, sentences or process of the District Court, and all such moneys as may be turned over to him by any other officer, the Sheriff shall hold under the security of his official bond, until they shall be paid under the order or draft of the District Judge. Aids paid for licenses, and such aids for approval of contracts and instruments of apprenticeship, and such fees for reports upon appeals from the District Judge as the Judge may direct the Clerk to receive, and the Clerk may receive all other moneys belonging to the District Court Fund, whether collected first by the Clerk or turned over to him by some other officer who had collected them, which may come to the hands of the Clerk, the Clerk shall hold under the security of his official bond, until they shall be paid under the order or draft of the District Judge. Each Magistrate shall, at

Fines and
other moneys.

A. D. 1865.

Reports of
Magistrates.

least once in every three months, report and pay to the Chairman of the Board of Relief of Indigent Persons of Color the moneys received by him from aids, taxes, fines and penalties, and all other moneys belonging to the District Court Fund which have come to his hands. On the first day of each quarterly sitting of the District Court, the Sheriff, the Clerk, each Magistrate of the District, the Chairman of the Board aforementioned, the Superintendent of Convicts, and every person (besides a Constable, who must make returns to a Magistrate,) who may have had charge of convicts, or received wages or other moneys which belong to the District Court Fund, shall each make to the Court a full and minute report of his receipts, disbursements and payments, showing the items on each side of the account, and the exact balance in his hands, accompanied by an estimate of the probable receipts and requirements in his department for the next quarter. The report of the Chairman aforesaid shall specially set forth all known delinquencies of Magistrates in reporting, paying or discharging other duty, with the name of the delinquents. The District Judge shall examine all of these reports carefully, and take the most prompt and energetic means to prevent and correct all defalcations and omissions. Having ascertained the amount of the District Fund which is on hand, including what he himself may have, he shall, by orders entered on the journal of his Court, direct payments to be made by the officers respectively, in such sums as he may designate, to the following purposes, namely: 1. The annual additional compensation of the Judge, of which one-fourth shall be taken each quarter. 2. Jurors' certificates. 3. Expenses of the Court, including fees payable out of the District Court Fund. 4. Pay of Superintendent and other expenses of convicts. 5. Balance to be paid to the Chairman of the Board of Relief of Indigent Persons of Color, for the uses of that Board. For their services in respect to the collection and disbursement of the District Court Fund the several officers shall, in the settlement of their accounts, be allowed commissions as follows: The Sheriff and Magistrate shall each have five per centum upon all sums collected by him, to be in addition to commissions which, with other fees, a Sheriff or Constable may exact from persons against whom he executes process; and the Sheriff and Magistrate shall each be further allowed two and a half per centum upon the proper disbursements made by him. The Clerk, Superintendent of Convicts, Jailor, and other person who may have had supervision of convicts, or received wages belonging to the District Court Fund, shall each have two and a half per centum upon all sums collected by him, and two and a half per centum upon all sums disbursed by him. In no case shall sums collected be understood to include sums received from some other of the officers who are required to make reports as hereinbefore provided, nor disbursements to include sums turned over to another of those officers. It shall be the duty of the District Judge to guard the fund against duplicated commissions, as well as against other improper charges. The Chairman of the Board of Relief of Indigent Persons of Color shall be allowed commissions upon his own collections and disbursements as another Magistrate is, and in addition shall, for each semi-annual report to his Board, and each quarterly report to the Court, be allowed, out of the District

Examination
of reports by
the District
Judge.

Perquisites of
Sheriff and
other officers.

Improper
charges.

Court Fund, a sum not less than five dollars, nor more than twenty dollars, which the District Judge shall fix according to the quantity of business done by him, and the manner in which it was done. The Clerk shall, under the supervision of the Judge of the District Court, annually, at some early day between the quarterly sitting of the Court which next precedes the regular session of the General Assembly and that regular session, prepare and transmit to the Treasurer a report from his District Court, signed by the Clerk and certified by the Judge. This report shall contain a condensed statement compiled from the reports which are made to the Court, and from the journals of the Court, showing, for the year preceding, the whole sum which went into the District Court Fund, how much from each source, the commissions for collection, the whole disbursements and how much for each general purpose, the commissions upon disbursements, other expenses, the balance on hand, and the liabilities unpaid. The Treasurer shall aggregate the reports of the Clerks so as to show results for the whole State, and shall lay before the General Assembly a tabular statement of these aggregates, together with the reports of the Clerks, noting particularly any District Courts from which reports had not been received.

A. D. 1897.
Report of
Clerk.

Duties of
Treasurer.

XXIX. An indictment against a white person for the homicide of a person of color shall be tried in the Superior Court of Law, and so shall all other indictments in which a white person is accused of a capital felony affecting the person or property of a person of color.

Indictment of
white person.

XXX. In every case, civil and criminal, in which a person of color is a party, or which affects the person or property of a person of color, persons of color shall be competent witnesses. The accused in such a criminal case, and the parties in every such civil case, may be witnesses, and so may every other person who is a competent witness; and in every such case, either party may offer testimony as to his own character, or that of his adversary, or of the prosecutor, or of the third person mentioned in an indictment.

Property of
persons of color

XXXI. A Magistrate shall have jurisdiction over small disputes, controversies and complaints that may arise in his neighborhood between persons of color, or between persons of color and a white person, and of petty misdemeanors committed by or toward a person of color, between master and servant, between master and apprentice, and between employer and laborer, and civil suits involving not more than twenty dollars, in which a person of color is a party; his power in no case going beyond a judgment, fine or forfeiture of twenty dollars. He shall be specially charged with the supervision of persons of color in his neighborhood, their protection, the prevention of their misconduct and depredations, and a cautious regard to the peace, health and safety of his neighborhood.

Jurisdiction
of Magistrates.

XXXII. Persons of color shall be liable to suits commenced by attachment, foreign and domestic, as white persons are in like cases. Besides this, there may be, in the case of a person of color, a proceeding to be called a special attachment, of the following nature, namely: When, by any tax, a person of color is made liable for a sum certain, the Tax Collector, or other person who has a right to collect said tax, and who desires to obtain from a garnishee what is supposed to be in his hands belonging to such person of color, may

Liabilities of
persons of color

A. D. 1865.

sue out a short summons against the garnishee, in or upon which the sum certain before mentioned, with costs, and the amount or property claimed to be in the hands of the garnishee, shall be set down, which summons a Magistrate may issue, if the amount of money or value of property claimed from the garnishee is twenty dollars or under; and the District Court must issue, if it is above that sum. The summons having been issued, the garnishee, if he acknowledge his indebtedness to the person of color before mentioned, or his possession of property belonging to him, may pay to the plaintiff in attachment, if his debt to the person of color be due, or give his note to such plaintiff, if such debt be payable at a future day, and may surrender to such plaintiff any chose in action or other property of the person of color in his possession, so as to discharge the amount claimed from him, or so much thereof as will satisfy the tax and costs: and the receipt of the plaintiff in attachment shall be an acquittance of the garnishee *pro tanto* against the person of color. If the garnishee should not acknowledge, pay, give note and surrender as above, to the satisfaction of the plaintiff in attachment, the garnishee shall, in obedience to the summons, make the return, on oath, to the Magistrate, or District Court, as the case may be, of what, if anything, he owes to the person of color, either presently due or payable in future, or has in possession belonging to him. If the plaintiff should be then satisfied, the garnishee shall pay, give note and surrender as before mentioned; but if the plaintiff should be still dissatisfied, he and the garnishee, with other witnesses (of whom the person of color may be one on either side,) shall be heard, and orders respecting the matter between them be made by the Magistrate or District Court, according to the truth as it may appear. If the garnishee should fail to make return, or meet the trial, judgment shall be rendered against him for the amount or value claimed from him in the summons. Any property surrendered by a garnishee, before or after trial, shall be sold under the order of the Magistrate or Court, and the proceeds applied to the payment of the tax and costs, and the surplus, if any, shall be paid to the person of color. For goods elogned or wasted after service of the summons the garnishee who had them in possession shall be made answerable. Like proceedings may be had upon any second or subsequent attachment, priority between various plaintiffs pursuing the same garnishee being settled according to the priority of the dates of different summonses against him.

Questions of
color and caste.

XXXIII. Questions of color and caste shall, subject to the right of appeal on either side, be conclusively determined by a verdict rendered upon an issue of fact joined in a case of prohibition or mandamus. The writ in such case may be granted, upon application made by or in behalf of any person alleged to be a person of color, against any Sheriff, Magistrate, or other officer, who is proceeding in a way that would be proper toward a person of color, and not proper toward a white person; or who refuses, at the instance of the person in question, to do what a white person would have a right to demand to be done. It may be granted by any Judge of a Superior Court, or by the Judge of the District Court to whose District the officer belongs, the burden of proof being, by order of the Judge, thrown upon that party against whom his opinion

A. D. 1865.

inclines, according to the judgment which he may form, upon inspection of the person in question, affidavits or documents. The issue shall be tried in the Superior Court of Law for the District aforesaid. Inspection of the person in question, and of his kindred, testimony direct, or from reputation, concerning his parentage, and direct testimony concerning his conduct and reception in society, may enter into the evidence. The Attorney General or Solicitor of the Circuit shall, *ex officio*, represent the officer, the party in the issue. A judicial proceeding, not such as is here made conclusive, previously had, in a case wherein the person in question was a party, or wherein his caste was collaterally tried in a case between other parties, may be received in evidence, but shall not be conclusive or have weight beyond what, under the circumstances, the jury may give.

XXXIV. An action or legal proceeding, not involving the title to land, in which a person of color is plaintiff or defendant, must be commenced as below specified, or it will be barred, namely: An action founded upon a tort within three months from the time the cause of action arose; an action founded upon a contract not in writing, within six months from the time the cause of action arose; an action founded upon a contract in writing, wherein the debt or damages do not exceed two hundred dollars, within twelve months from the time the cause of action arose, except that, first, a payment of part, with a distinct acknowledgment of a balance due, or an express promise to pay a well defined sum, shall constitute a new era from which the period of limitation shall run on a matter of contract; second, that if any legal proceeding shall be commenced within the limited period, in good faith, for recovery upon tort or contract, and shall terminate without judgment for the plaintiff, its termination shall constitute the period from which the time shall be counted; third, that there shall not be included in the computation of time the time between the death of a white person, defendant, and grant of administration or probate to his personal representative; nor, fourth, the time during which an executor or administrator, defendant, is by law protected from suit; nor, fifth, the time during which a person of color, defendant, may be absent from the District in which the cause of action arose, or may be absconding in that District.

Time for commencing an action.

XXXV. In reference to wills, executors and administrators, distribution of estates after payment of debts, the rights and remedies of legatees and next of kin, and all other matters relating to testators and intestates, the same law which applies to white persons shall extend to persons of color.

Extension of rights.

XXXVI. To the District Court there shall be an appeal from the Ordinary in respect to matters which affect persons of color, to be conducted as in like case as an appeal to a Superior Court. An appeal from a Magistrate shall go to the District Court, the applicant paying in cash, to the Magistrate, one dollar, as a fee, for the report. An appeal from the District Court or District Judge shall go to the Court of Appeals, the appellant paying, in cash, two dollars for the report, which shall go into the District Court fund, to be taxed against the appellee if the appellant finally prevails. No rule or order of any Court or Judge in this State shall require the printing,

Appeals.

A. D. 1865.

by a party to a suit, of any report, brief, or other paper connected with appeals.

Reports of
Boards of Com-
missioners.

XXXVII. The various Boards of Commissioners in the District, instead of the reports heretofore made to the Superior Court of Law, shall, on the first day of the first quarterly sitting of the District Court, in each year, make such reports to the District Court. The District Judge shall, himself, examine these reports carefully, see that they contain a full statement of transactions for the year preceding, as well as a correct account of receipts and expenditures, and point out errors and omissions. He may also refer them to the Grand Jury, in his Court, and shall make such order in reference to them as he may think likely to secure, in future, accurate conformity to law.

Appointments
in cases of va-
cancy.

XXXVIII. In case of the vacancy of the office of a District Judge, by death, resignation or otherwise, the Governor shall immediately appoint a successor, who shall continue in office until a Judge shall be elected by the Legislature, and shall take the oath of office. The District Judge, during his continuance in office, shall hold no other office of profit or trust under this State or the United States.

Liberty of
amendment.

XXXIX. In all process and pleadings in the District Court, the largest liberty of amendment, consistent with fairness, shall be allowed. Indictments shall be required to contain only so much as will give to the accused reasonable information of the charges against which he is to defend himself; substance, and not form, shall be looked to; and technical requirements shall not be permitted to hinder or delay the administration of justice.

Rules and
forms.

XL. The Judges of the Court of Appeals shall, from time to time, make rules for the orderly and uniform transaction of business and conduct of cases in the several District Courts of the State, and shall prescribe forms, short and simple, for the conduct of business, and for the assistance of officers and others connected with these Courts.

FEES.

Fees for ser-
vice.

XLI. The fees of officers for all services which are required by this Act, or either of the other Acts mentioned in the "Act preliminary to the legislation induced by the emancipation of slaves," and for which no special provision is made in any of these Acts, shall be the same as now prescribed by law for like services, except as hereinbelow provided.

Fees of At-
torney General
and Solicitor.

XLII. The Attorney-General, Solicitor, Deputy of either, or other District Attorney, shall have :

For convicting each offender in the District Court of a capital crime.....	\$15 00
For convicting each offender of a felony, with benefit of clergy, or an aggravated misdemeanor.....	10 00
For convicting each offender of a petty misdemeanor.....	5 00
(Misdemeanors to be classified according to rules to be adopted by the Court of Appeals.)	
For representing the Tax-Collector, Magistrate or other officer in a case for the trial of a question of color or caste.....	20 00

To be paid out of any public funds in the hands of such officer, and recovered back from the adverse party, if the final decision should be against him.

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XLIII. The Clerk shall have, in the following matters connected with the District Court, these fees, to wit: For all services respecting Juries, including entries in the Journal, receiving returns and making certificates:

Fees for the Clerk.

For a Jury at a monthly sitting.....	\$0 50 0
For Juries at a quarterly sitting.....	75 0
For a new Jury list, and necessary tickets.....	2 00 0
For an annual copy of rolls of Jurors and Constables transmitted to the Treasurer.....	5 00 0
For the annual report from the District Court transmitted to the Treasurer.....	10 00 0
For copying any report or other paper, or making any entry more than one hundred words, in a journal, for each word.....	00 1
For licenses granted by order of the District Judge.....	50 0
On all sums paid into Court under order of Court, 3 per cent.	
For filing any report, instrument of apprenticeship, or other paper directed to be filed in his office.....	20 0

The services mentioned in the last two items, if required by any District Board, shall be paid for out of its funds; if required by a Magistrate, shall be collected by him, along with his own fees, from the person liable for the paper. For any summons, notice, order, sentence, process, mesne or final, which might have proceeded from a Magistrate, if the case be before the Judge of the District Court, and the Clerk issue the paper, the fees of the Clerk shall be the same as the Magistrate would have had.

XLIV. The Sheriff shall have, in the following matters connected with the District Court, these fees, to wit:

Fees for the Sheriff.

For obtaining a copy of the Tax Collector's return and helping the Clerk about a new Jury list.....	\$2 00
For summoning a jury at a monthly sitting.....	1 00
For summoning a jury at a quarterly sitting, including the writing of summons.....	1 50
Besides mileage for the number of miles actually and necessarily traversed in summoning a jury, at the rate per mile of.....	05
The Sheriff or Constable shall have, for serving process and executing orders from the District Court, (not intended to include the ordinary proceeding by summary process,) the following fees, to wit:	
For arresting an individual, or seizing a chattel under a special order, or evicting a tenant, or doing other specific service as duly required.....	\$0 50
For serving any process, summons or order not requiring any specific action.....	25
With mileage from the place whence the summons, order or other paper issued, to the place of its service or execution, going, but not returning, per mile.....	05
For specific execution of a sentence.....	50
For receiving money, note or goods under special attachment	50
The fees of the Clerk and Sheriff, respecting the juries in the Dis-	

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Fees for Magistrates.

trict Court, and the fees of the Clerk for copy rolls and reports transmitted by him to the Treasurer, and the fees of the Magistrate for reports shall be paid out of the District Court fund.

XLV. A Magistrate, for the services mentioned below, shall have fees as follows, namely :

For a summons or notice, and taking the return thereof.....	\$0 20
For making and entering any order or decision, not below mentioned, including a copy, if it is to be served.....	20
For hearing and determining any small and mean cause, or any complaint, dispute or controversy, including all necessary entries of judgment, decree or order.....	25
For the same as in the last item, where more than four witnesses are examined.....	50
For an order of eviction.....	50
For each quarterly report to the District Court, not disapproved by the District Judge.....	1 00
For each semi-annual report to the Chairman of the Board of Relief of Indigent Persons of Color, not disapproved by the said Board.....	2 00
For a special attachment and taking return thereof.....	50
For return of garnishee not contested.....	30
For binding out an apprentice, including the instrument, to be paid by the master.....	50
For approving a contract between master and servant or servants.....	50
For any affidavit, not a return before mentioned.....	0 30

Payment of fees.

XLVI. The person who requires services in a civil suit or complaint, or any matter which he expects to be specially beneficial to himself, before the District Court or a Magistrate, shall pay the fees for them, and he shall recover back from the adverse party what he has thus properly paid, if he should prevail against that party. In a criminal proceeding, the services shall be rendered without instant payment ; and if the accused should be convicted, he shall be bound to pay all the costs of the prosecution, and for them be liable to all the modes of exaction which may be used for the collection of fines. If collection from the convict cannot be had, then the State shall be liable for one-half of the costs. If the accused should be acquitted, the Judge or Magistrate before whom the trial has been had, if he has become satisfied in the course of the trial that the prosecution was without probable cause, may order that the prosecutor shall pay the costs of the prosecution ; and thereupon process for collection shall go against the prosecutor, in like manner as, in case of conviction, it might have gone against the convict.

In case of acquittal.

District Court of Berkeley.

XLVII. For the District Court of Berkeley, the provisions of this Act shall prevail, subject to the following modifications, namely : The Clerk, Sheriff, Masters and Registers in Equity, and Ordinary, for Charleston Judicial District, shall have the same powers and be subject to the same duties and liabilities, in respect to Berkeley District, as like officers in other Districts. An appeal from the Ordinary of Charleston Judicial District, which, under this Act, should go to a District Court, shall go to the District Court of Berkeley, according to the rules which, if such election District had

an Ordinary, would determine the Ordinary that should have jurisdiction of the matter in question. The various Boards of Commissioners in Berkeley District shall report to the Court of that District, and be subject to it in like manner as, in other Districts, Boards are to their respective District Courts. The records of Berkeley District shall be kept in the office of the Clerk of the Judicial District of Charleston. The Judge of the District Court of Berkeley may hold monthly and quarterly sittings of his Court at such places in his District as he may appoint, taking care to give due public notice; and all process of his Court shall be returnable to such place as the Judge of the Court may appoint, and be by suitable words framed accordingly. Jurors for common juries shall be summoned by the Sheriff from any citizens of the District, and for special juries, jurors shall be drawn from a box which contains the names of all citizens of the District, the Judge being at liberty to reject, of those drawn, any citizen who lives more than twenty miles from the place where the Court is appointed to be held.

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Summoning
Juries.

XLVIII. All the provisions of this Act will apply to the District Court of Charleston, and all the officers of the Judicial District of Charleston will occupy the same relations to the District Court of Charleston as like officers do in other Judicial Districts to the District Court of such Districts, except as in this Act excepted in reference to Berkeley District.

District Court
of Charleston.

XLIX. The Judges first elected under this Act shall not be commissioned until the Governor shall be satisfied that they will be permitted to exercise the jurisdiction committed to them.

Commission
of Judges.

In the Senate House, the nineteenth day of December, in the year of our Lord one thousand eight hundred and sixty-five.

W. D. PORTER, President of the Senate.

C. H. SIMONTON, Speaker House of Representatives.

Approved: JAMES L. ORR.

AN ACT TO ESTABLISH AND REGULATE THE DOMESTIC RELATIONS OF PERSONS OF COLOR, AND TO AMEND THE LAW IN RELATION TO PAUPERS AND VAGRANCY.

No. 4733.

Be it enacted by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, as follows:

HUSBAND AND WIFE.

I. The relation of husband and wife amongst persons of color is established.

Husband and
wife.

II. Those who now live as such are declared to be husband and wife.

III. In case of one man having two or more reputed wives, or one woman two or more reputed husbands, the man shall, by the

Two wives or
husbands.

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first day of April next, select one of his reputed wives, or the woman one of her reputed husbands; and the ceremony of marriage between this man or woman, and the person so selected, shall be performed.

Legitimacy of children.

IV. Every colored child, heretofore born, is declared to be the legitimate child of his mother, and also of his colored father, if he is acknowledged by such a father.

Marriage contract.

V. Persons of color desirous hereafter to become husband and wife, should have the contract of marriage duly solemnized.

VI. A clergyman, the District Judge, a Magistrate, or any judicial officer, may solemnize marriages.

Cohabitation.

VII. Cohabitation, with reputation or recognition of the parties, shall be evidence of marriage in cases criminal and civil.

Illegal marriages.

VIII. One who is a pauper or a charge to the public shall not be competent to contract marriage. Marriage between a white person and a person of color shall be illegal and void.

IX. The marriage of an apprentice shall not, without the consent of the master, be lawful.

Abandonment of husband or wife.

X. A husband shall not, for any cause, abandon or turn away his wife, nor a wife her husband. Either of them that abandons or turns away the other may be prosecuted for a misdemeanor; and, upon conviction thereof, before a District Judge, may be punished by fine and corporal punishment, duly apportioned to the circumstances of aggravation or mitigation. A husband not disabled, who has been thus convicted of having abandoned or turned away his wife, or who has been shown to fail in maintaining his wife and children, may be bound to service by the District Judge from year to year, and so much of the profits of his labor as may be requisite, be applied to the maintenance of his wife and children; the distribution between them being made according to their respective merits and necessities. In like manner, a wife not disabled, who has been thus convicted, may be bound, and the proceeds of her labor applied to the maintenance of her children. In either case, any surplus profit shall go to the person bound. At the end of any year for which he was bound, the husband shall have the right to return to or receive back his wife, and thereupon shall be discharged upon condition of his afterwards maintaining his wife and children. A like right a wife shall have, at the end of a year for which she was bound, on condition of her making future exertions to maintain her family.

Rights of an abandoned wife.

XI. Whenever a husband shall be convicted of having abandoned or turned away his wife, she shall be competent to make a contract for service; and until he shall return to her or receive her back, she shall have all the rights, and be subject to all the liabilities, of an unmarried woman, except the right to contract marriage. When either husband or wife has abandoned the other in any District, and that other remains there, if upon the warrant or summons against the one charged of misdemeanor, under the Section next preceding, there be a return by a Sheriff or Constable, under oath, that the accused has left the District, or absconds, so that there cannot be personal service, the prosecution may proceed as if the accused had been arrested, and, upon conviction, all the other consequences shall follow, except punishment, and that shall be re-

served until the accused may be brought into Court, when an opportunity shall be given for disproving the truth of the return and setting aside the conviction.

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PARENT AND CHILD.

XII. The relation of parent and child, amongst persons of color, is recognized, confers all the rights and remedies, civil and criminal, and imposes all the duties that are incident thereto by law, unless the same are modified by this Act, or some legislation connected herewith.

Relations of
parent and
child estab-
lished.

XIII. The father shall support and maintain his children under fifteen years of age, whether they be born of one of his reputed wives or of any other woman.

GUARDIAN AND WARD.

XIV. The relation of guardian and ward, as it now exists in this State, with all the rights and duties incident thereto, is extended to persons of color, with the modifications made by this Act.

MASTER AND APPRENTICE.

XV. A child, over the age of two years, born of a colored parent, may be bound by the father, if he be living in the District, or in case of his death or absence from the District, by the mother, as an apprentice to any respectable white or colored person who is competent to make a contract; a male until he shall attain the age of twenty-one years, and a female until she shall attain the age of eighteen years.

Binding of
apprentice.

XVI. Illegitimate children, within the ages above specified, may be bound by the mother.

XVII. Colored children, between the ages mentioned, who have neither father nor mother living in the District in which they are found, or whose parents are paupers, or unable to afford to them maintenance, or whose parents are not teaching them habits of industry and honesty, or are persons of notoriously bad character, or are vagrants, or have been, either of them, convicted of an infamous offense, may be bound as apprentices by the District Judge, or one of the Magistrates, for the aforesaid term.

Binding by
District Judge.

XVIII. Males of the age of twelve years, and females of the age of ten years, shall sign the indenture of apprenticeship, and be bound thereby.

Signatures.

XIX. When the apprentice is under these ages, and in all cases of compulsory apprenticeship, where the infant refuses assent, his signature shall not be necessary to the validity of the apprenticeship. The master's obligation of apprenticeship, in all cases of compulsory apprenticeship, and cases where the father or mother does not bind a child, shall be executed in the presence of the District Judge, or one of the Magistrates, certified by him, and filed in the office of the Clerk of the District Court.

Compulsory
apprentice-
ship.

XX. The indenture of voluntary apprenticeship shall be under

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Indenture
under seal.

seal, and be signed by the master, the parent and the apprentice, attested by two credible witnesses, and approved by the District Judge, or one of the Magistrates.

Duplicates of
indentures.

XXI. All instruments of apprenticeship shall be executed in duplicate, one of which shall be retained by the master, and the other be filed in the office of the Clerk of the District Court. For the approval of an instrument of apprenticeship, thus executed in duplicate, the master shall pay an aid of three dollars to the Magistrate, or District Judge, as the case may be.

Duties of mas-
ter and mis-
tress.

XXII. The master or mistress shall teach the apprentice the business of husbandry, or some other useful trade or business, which shall be specified in the instrument of apprenticeship; shall furnish him wholesome food and suitable clothing; teach him habits of industry, honesty and morality; govern and treat him with humanity; and if there be a school within a convenient distance, in which colored children are taught, shall send him to school at least six weeks in every year of his apprenticeship, after he shall be of the age of ten years: *Provided*, That the teacher of such school shall have the license of the District Judge to establish the same.

Proviso.

Chastisement.

XXIII. The master shall have authority to inflict moderate chastisement and impose reasonable restraint upon his apprentice, and to recapture him if he depart from his service.

Dissolution of
agreement.

XXIV. The master shall receive to his own use the profits of the labor of his apprentice. The relation of master and apprentice shall be dissolved by the death of the master, except where the apprentice is engaged in husbandry, and may be dissolved by order of the District Judge, when both parties consent, or it shall appear to be seriously detrimental to either party. In the excepted case, it shall terminate at the end of the year in which the master died.

Cases of ha-
bitual viola-
tion or neglect.

XXV. In cases of the habitual violation or neglect of the duties herein imposed on the master, and whenever the apprentice is in danger of moral contamination by the vicious conduct of the master, the relation of master and apprentice may be dissolved by the order of the District Judge; and any person shall have the right to complain to the District Judge that the master does not exercise proper discipline over his apprentice, to the injury of his neighbors; and if upon investigation, it shall be so found, the relation between the parties shall be dissolved.

Alleged vio-
lation of duty.

XXVI. In cases of alleged violation of duty, or of misconduct on the part of the master or apprentice, either party may make complaint to a Magistrate, who shall summon the parties before him, inquire into the causes of complaint, and make such order as shall be meet, not extending to the dissolution of the relation of the parties; and if the master be found to be in default, he shall be fined not exceeding twenty dollars and costs; and if the apprentice be in default, he may be corrected in such manner as the Magistrate shall order. A frivolous complaint made by either party shall be regarded as a default.

Immoderate
correction.

XXVII. In cases in which the District Judge shall order the apprentice to be discharged for immoderate correction, or unlawful restraint of the apprentice, the master shall be liable to indictment, and, on conviction, to fine and imprisonment, at the discretion of

the Court, not exceeding a fine of fifty dollars, and imprisonment of thirty days; and, also, to an action for damages, by the apprentice.

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XXVIII. All orders made by a Magistrate touching the relation of master and apprentice shall be filed in the office of the Clerk of the District Court.

Filing of orders.

XXIX. A mechanic, artisan or shopkeeper, or other person who is required to have a license, shall not receive any colored apprentice without having first obtained such license.

Licenses.

XXX. At the expiration of his term of service, the apprentice shall have the right to recover from his master a sum not exceeding sixty dollars.

Sum recoverable.

XXXI. To an apprentice shall apply the provisions hereinafter made for a servant under contract, so far as respects the regulations of labor, the duties of the servant, the rights of the master as to third persons, and the rights of servants as to third persons; except that to an apprentice the master shall be bound to furnish necessary medicine and medical assistance.

Duties and rights.

XXXII. In all indentures or obligations of apprenticeship, the regulations herein prescribed shall be considered stipulations.

XXXIII. *Form of indenture to be used in cases of voluntary apprenticeship, where the apprentice is bound by father or mother* (to be in duplicate): I (father or mother, as the case may be,) of (name of child) my child, of the age of _____ years, do hereby bind said child to (name of master) to learn the (here insert the trade or business,) and I (name of master) agree to receive the said child as my apprentice. In witness whereof, we (the master, father or mother, as the case may be, and child, if over the prescribed age) have subscribed our names and put our seals, this _____ day of

Form of indenture.

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A. B. [L. S.]
C. D. [L. S.]
E. F. [L. S.]

Signed and sealed in the presence of

G. H.

L. R.

I approve the above indenture of apprenticeship this _____ day of _____ 18

M. N., (*Judge of the District Court, or Magistrate.*)

XXXIV. *Form of obligation of apprenticeship*, taken by the District Judge or Magistrate, to be used in all cases of compulsory apprenticeship; and, in all cases, where neither father nor mother binds the child (to be in duplicate): I (name of master) agree to receive (name of apprentice) as my apprentice, to learn the (insert the trade or business); and I bind myself to perform all my duties as such master. In witness whereof (the master, and apprentice, if over the prescribed age, who consent to be bound, otherwise only the master,) ha _____ subscribed _____ name _____ and put _____ seal _____ this _____ day of _____ 186

Form of obligation.

A. B. [L. S.]
C. D. [L. S.]

Signed and sealed in the presence of

E. F., (*District Judge, or Magistrate.*)

A. D. 1865.

I approve and certify the above obligation of apprenticeship, this

day of

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E. F., (*Judge of the District Court, or Magistrate.*)

CONTRACTS FOR SERVICE.

Contracts.

XXXV. All persons of color who make contracts for service or labor, shall be known as servants, and those with whom they contract, shall be known as masters.

Witness.

XXXVI. Contracts between masters and servants, for one month or more, shall be in writing, be attested by one white witness, and be approved by the Judge of the District Court, or by a Magistrate.

Period of service.

XXXVII. The period of service shall be expressed in the contract; but if it be not expressed, it shall be until the twenty-fifth day of December next after the commencement of the service.

Rate of wages.

XXXVIII. If the rate of wages be not stipulated by the parties to the contract, it shall be fixed by the District Judge, or a Magistrate, on application by one of the parties, and notice to the other.

XXXIX. A person of color, who has no parent living in the District, and is ten years of age, and is not an apprentice, may make a valid contract for labor or service for one year or less.

Fraud in contracts.

XL. Contracts between masters and servants may be set aside for fraud or unfairness, notwithstanding they have been approved.

Time for approval.

XLI. Written contracts between masters and servants shall be presented for approval within twenty days after their execution.

XLII. Contracts for one month or more shall not be binding on the servant, unless they are in writing, and have been presented for approval within the time aforesaid.

Evasion of duty.

XLIII. For any neglect of the duty to make a contract as herein directed, or the evasion of that duty by the repeated employment of the same persons for periods less than one month, the party offending shall be guilty of a misdemeanor, and be liable, on conviction, to pay a sum not exceeding fifty dollars, and not less than five dollars, for each person so employed. No written contract shall be required when the servant voluntarily receives no remuneration except food and clothing.

Proviso.

XLIV. For the approval of contracts, the following sums, to be called aids, shall be paid to the District Judge, or the Magistrate, as the case may be, in cash, when the contract is approved: *Provided*, No aid shall be paid for any servant under twelve years of age:

Fees for approval of contracts.	For a contract for one month or less, for each servant.....	80	25
	For a contract not exceeding three months and more than one month, for each servant.....	0	50
	For a contract not exceeding six months and more than three months, for each servant.....	0	75
	For a contract for one year, or any time more than six months, for each servant.....	1	00
	For a contract for more than one year, for each year or part of a year over one year, for each servant.....	1	00
	One-half of which aids shall be paid by the master, and one-half by the servant.		

REGULATIONS OF LABOR ON FARMS.

A. D. 1865.

XLV. On farms or in out-door service, the hours of labor, except on Sunday, shall be from sun-rise to sun-set, with a reasonable interval for breakfast and dinner. Servants shall rise at the dawn in the morning, feed, water and care for the animals on the farm, do the usual and needful work about the premises, prepare their meals for the day, if required by the master, and begin the farm work or other work by sun-rise. The servant shall be careful of all the animals and property of his master, and especially of the animals and implements used by him, shall protect the same from injury by other persons, and shall be answerable for all property lost, destroyed or injured by his negligence, dishonesty or bad faith.

Hours of labor.

XLVI. All lost time, not caused by the act of the master, and all losses occasioned by neglect of the duties hereinbefore prescribed, may be deducted from the wages of the servant; and food, nursing and other necessities for the servant, whilst he is absent from work on account of sickness or other cause, may also be deducted from his wages. Servants shall be quiet and orderly in their quarters, at their work, and on the premises; shall extinguish their lights and fires, and retire to rest at seasonable hours. Work at night, and out-door work in inclement weather, shall not be exacted, unless in case of necessity. Servants shall not be kept at home on Sunday, unless to take care of the premises, or animals thereupon, or for work of daily necessity, or on unusual occasions; and in such cases, only so many shall be kept at home as are necessary for these purposes. Sunday work shall be done by the servants in turn, except in cases of sickness or other disability, when it may be assigned to them out of their regular turn. Absentees on Sunday shall return to their homes by sun-set.

Loss of time by sickness or otherwise.

XLVII. The master may give to a servant a task at work about the business of the farm which shall be reasonable. If the servant complain of the task, the District Judge, or a Magistrate, shall have power to reduce or increase it. Failure to do a task shall be deemed evidence of indolence, but a single failure shall not be conclusive. When a servant is entered into a contract, he may be required to rate himself as a full hand, three-fourths, half, or one-fourth hand, and according to this rate, inserted in the contract, shall be the task, and of course the wages.

Task work.

XLVIII. Visitors or other persons shall not be invited or allowed by the servant to come or remain upon the premises of the master without his express permission.

Visitors.

XLIX. Servants shall not be absent from the premises without the permission of the master.

RIGHTS OF MASTER AS BETWEEN HIMSELF AND HIS SERVANT.

L. When the servant shall depart from the service of the master without good cause, he shall forfeit the wages due to him. The servant shall obey all lawful orders of the master or his agent, and shall be honest, truthful, sober, civil and diligent in his business. The master may moderately correct servants who have made contracts, and are under eighteen years of age. He shall not be liable

Duties of master and servant.

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to pay for any additional or extraordinary services or labor of his servant, the same being necessary, unless by express agreement.

CAUSES OF DISCHARGE OF A SERVANT.

Causes for discharge.

LI. The master may discharge his servant for wilful disobedience of the lawful order of himself or his agent; habitual negligence or indolence in business; drunkenness, gross moral or legal misconduct; want of respect and civility to himself, his family, guests or agents; or for prolonged absence from the premises, or absence on two or more occasions without permission.

Power of District Judge in case of complaint.

LII. For any acts or things herein declared to be causes for the discharge of a servant, or for any breach of contract or duty by him, instead of discharging the servant, the master may complain to the District Judge or one of the Magistrates, who shall have power, on being satisfied of the misconduct complained of, to inflict, or cause to be inflicted, on the servant, suitable corporal punishment, or impose upon him such pecuniary fine as may be thought fit, and immediately to remand him to his work; which fine shall be deducted from his wages, if not otherwise paid.

LIII. If a master has made a valid contract with a servant, the District Judge or Magistrate may compel such servant to observe his contract, by ordering infliction of the punishment, or imposition of the fine hereinbefore authorized.

RIGHTS OF MASTER AS TO THIRD PERSONS.

Masters not liable for misdemeanors of servants.

LIV. The master shall not be liable for the voluntary trespasses, torts or misdemeanors of his servants. He shall not be liable for any contract of his servant, unless made by his authority; nor for the acts of the servant, unless they shall be done within the scope of the authority entrusted to him by the master, or in the course of his employment for the master; in which excepted cases the master shall be answerable for the fraud, negligence or want of skill of his servant. The master's right of self-defense shall embrace his servant. It shall be his duty to protect his servant from violence by others, in his presence, and he may render him aid and assistance in obtaining redress for injury to his rights of person or property.

Harboring or beating.

LV. Any person who shall deprive a master of the service of his servant, by enticing him away, or by harboring and detaining him, knowing him to be a servant, or by beating, confining, disabling or otherwise injuring him, shall be liable, on conviction thereof, to a fine not exceeding two hundred dollars, and not less than twenty dollars, and to imprisonment or hard labor, at the discretion of the Court, not exceeding sixty days; and, also, to an action by the master to recover damages for loss of services.

Servant to defend.

LVI. The master may command his servant to aid him in the defense of his own person, family, premises or property; or of the person or property of any servant on the premises of the master; and it shall be the duty of the servant promptly to obey such command.

LVII. The master shall not be bound to furnish medicine or medical assistance for his servant, without his express engagement.

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LVIII. A master may give the character of one who has been in his service to a person who may make inquiry of him; which shall be a privileged communication, unless it be falsely and maliciously given. And no servant shall have the power to make a new contract, without the production of the discharge of his former master, District Judge or Magistrate.

Master may give character of servant.

LIX. Any person who shall willfully misrepresent the character of a servant, whether he has been in his service or not, either for moral qualities, or for skill or experience in any employment or service, shall be liable to an action for damages by any one who has been aggrieved thereby.

Misrepresentation of character.

LX. Upon the conviction of any master of larceny or felony, the District Judge shall have the right, upon the demand of any white freeholder, to annul the contract between such convict and his colored servants. If any white freeholder shall complain to the District Judge that any master so manages and controls his colored servants as to make them a nuisance to the neighborhood, the Judge shall order an issue to be made up and tried before a jury, and if such issue is found in favor of the complainant, the District Judge shall annul the contract between such master and his colored servant or servants, and in each of the cases above provided for, he shall not approve any subsequent contract between such person and any colored servant for two years thereafter.

Master convicted of larceny or felony.

RIGHTS OF SERVANT AS BETWEEN HIMSELF AND MASTER.

LXI. The servant may depart from the master's service for an insufficient supply of wholesome food; for an unauthorized battery upon his own person, or one of his family, not committed in defense of the person, family, guests or agents of the master, nor to prevent a crime or aggravated misdemeanor; invasion by the master of the conjugal rights of the servant; or his failure to pay wages when due; and may recover wages due for services rendered to the time of his departure.

Why a servant may depart the service of his master.

LXII. The contract for service shall not be terminated by the death of the master, without the assent of the servant. Wages due to white laborers and to white and colored servants shall rank as rent does, in case of the insufficiency of the master's property to pay all debts and demands against him, but not more than one year's wages shall be so preferred. When wrongfully discharged from service, the servant may recover wages for the whole period of service according to the contract. If his wages have not been paid to the day of his discharge, he may regard his contract rescinded by the discharge, and recover wages up to that time.

In case of death of master.

LXIII. The master shall receive into his employment the servant with whom he has made a contract, but any of the causes which may justify him in discharging a servant shall justify him in refusing to receive him.

LXIV. The master shall, upon the discharge, or at the expiration of his term of service, furnish the servant with a certificate of discharge, and at the request of the servant, give him a certificate of character.

Certificate of discharge.

A. D. 1865.

MUTUAL RIGHTS OF MASTER AND SERVANT.

Decision of
Judge in case
of discharge.

LXV. Whenever a master discharges a servant, the servant may make immediate complaint to a District Judge or Magistrate, and whenever a servant departs from his master's service, the master may make like complaint. In either case, the District Judge or Magistrate, shall, by summons or warrant, have the parties brought before him, hear them and their witnesses, and decide as to the sufficiency of the cause of his discharge or departure. This decision shall not affect or prejudice any further action on either side, but it may avail to restore the relation of master and servant between the parties, if that be ordered. If the servant be decided to have been unlawfully discharged, and should desire to return to service under his contract, the master shall be compelled to receive him, under the penalty of twenty dollars, in case of his refusal. If the master desire the return of a servant, who has been decided to have departed without sufficient cause, the servant may be compelled, by fine and corporal punishment, to return to the service of the master, and perform his duties under the contract.

RIGHTS OF SERVANTS AS TO THIRD PERSONS.

LXVI. The servant shall not be liable for contracts made by the express authority of his master.

Servant not
liable for mas-
ter's acts.

LXVII. A servant shall not be liable, civilly or criminally, for any act done by the command of his master, in defense of the master's person, family, guests, agents, servants, premises or property. He shall not be liable, in any action *ex delicto*, for any tort committed on the premises of the master by his express command.

HOUSE SERVANTS AND OTHERS NOT IN HUSBANDRY.

Duties of house
servants.

LXVIII. The rules and regulations prescribed for master and servant apply to persons in service as household servants, conferring the same rights and imposing the same duties, with the following modifications :

LXIX. Servants and apprentices employed as house servants in the various duties of the household, and in all the domestic duties of the family, shall, at all hours of the day and night, and on all days of the week, promptly answer all calls and obey and execute all lawful orders and commands of the family in whose service they are employed.

LXX. It is the duty of this class of servants to be especially civil and polite to their masters, their families and guests, and they shall receive gentle and kind treatment.

FOR ALL SERVANTS.

LXXI. In all contracts between master and servant for service, the foregoing regulations shall be stipulations, unless it shall be otherwise provided in the contract, and the following form shall be a sufficient contract, unless some special agreement be made between the parties :

Form of Contract.

A. D. 1855.

I (name of servant) do hereby agree with (name of master) to be his (here insert the words "household servant" or "servant in husbandry," as the case may be,) from the date hereof, at the wages of (here insert the wages, to be paid by the year or month;) and in consideration thereof, I (name of master) agree to receive the said (name of servant) as such servant, and to pay him the said wages, this day of 186

Form of contract.

A. B.
C. D.

Witness: E. F.

I approve the above contract this day of 186

G. H., (*Judge of the District Court, or Magistrate.*)

After the words "servant in husbandry" may be inserted, if it be required, the words "to be rated as full hand, three-fourths hand, half hand, or one-fourth hand," as the case may be.

MECHANICS, ARTISANS AND SHOPKEEPERS.

LXXII. No person of color shall pursue or practice the art, trade or business of an artisan, mechanic or shopkeeper, or any other trade, employment or business (besides that of husbandry, or that of a servant under a contract for service or labor,) on his own account and for his own benefit, or in partnership with a white person, or as agent or servant of any person, until he shall have obtained a license therefor from the Judge of the District Court; which license shall be good for one year only. This license the Judge may grant upon petition of the applicant, and upon being satisfied of his skill and fitness, and of his good moral character, and upon payment, by the applicant, to the Clerk of the District Court, of one hundred dollars, if a shopkeeper or pedlar, to be paid annually, and ten dollars, if a mechanic, artisan, or to engage in any other trade, also to be paid annually: *Provided, however,* That upon complaint being made and proved to the District Judge of an abuse of such license, he shall revoke the same: *And provided, also,* That no person of color shall practice any mechanical art or trade unless he shows that he has served an apprenticeship in such trade or art, or is now practicing such trade or art.

Colored persons as mechanics.

Provided.

LXXIII. For violation of the prohibition contained in the Section next preceding, the offender, upon conviction thereof before the Judge of the District Court, shall pay, for each offense, a fine of double the amount of such license; one half whereof shall go to the informer, who shall be a competent witness.

LXXIV. The sums paid to the Clerk for these licenses shall be aids, and go into the District Court Fund; and the Clerk shall keep a record of all licenses issued under the order of the Judge of the District Court.

Aids.

EVICTION OF PERSONS OF COLOR.

LXXV. Where, upon any farm or lands, there now are persons of color, who were formerly the slaves of the owner, lessee or occu-

When not to be evicted.

A. D. 1845.

pant of the said farm or lands, who may have been there on the tenth day of November, eighteen hundred and sixty-five, and have been on said lands for six months previous; and who are helpless, either from old age, infancy, disease or other cause; and who are unable, of themselves, and have no parent or other relative able to maintain them, and to provide other homes or quarters, it shall not be lawful for the present, or any subsequent owner, lessee or occupant, before the first day of January, in the year eighteen hundred and sixty-seven, to evict or drive from the houses which now are, or hereafter shall be, lawfully occupied by such helpless persons of color, such helpless persons, or any of them, by rendering such houses uninhabitable, or by any other means; and upon conviction of having done so, every such owner, lessee, occupant, agent or other person, shall be fined not exceeding fifty dollars, nor less than five dollars, for each such person of color so evicted, and may be imprisoned, at the discretion of the Judge of the District Court, not exceeding one month.

Punishment
for eviction.

Preservation
of good order.

LXXXVI. But the owner, lessee, or occupant of such farm or lands shall, nevertheless, have authority to preserve order and good conduct in the houses so occupied as aforesaid, and to prevent visitors and other persons from sojourning therein; and for insolence to himself or his family, for theft or trespass committed by such persons of color, or any one of them, upon the premises, or for violation by them of his regulations for the preservation of order and good conduct, the prevention of visitors and sojourners therein, the owner, lessee, or occupant, may complain to the Judge of the District Court, or a Magistrate, who, upon finding the complaint well founded, may, according to the case, cause the immediate eviction of some or all of such persons of color, and their removal from the premises. After the period aforesaid, they may be ejected, as is hereinafter provided in case of intruders.

Trespass or in-
trusion.

LXXXVII. It shall be the duty of the Judge of the District Court, or of any Magistrate, on complaint made to him that persons of color have intruded into any house or upon any premises, as trespassers or otherwise, or that they unlawfully remain therein without permission of the owner, on ascertaining the complaint to be well founded, to cause such persons to be immediately removed therefrom; and in case of the return of such persons, without lawful permission, the party so offending may be subjected to such fine and corporal punishment as the Magistrate or District Judge may see proper to impose.

House occu-
pied by ser-
vant.

LXXXVIII. During the term of service, the house occupied by any servant is the master's; and, on the expiration of the term of service, or the discharge of a servant, he shall no longer remain on the premises of the master; and it shall be the duty of the Judge of the District Court, or a Magistrate, on complaint of any person interested and due proof made, to cause such servant to be immediately removed from such premises.

Leases to be in
writing.

LXXXIX. Leases of a house or land to a person of color shall be in writing. If there be no written lease, or the term of lease shall have expired, a person of color in possession shall be a tenant at will, and shall not be entitled to notice; and on complaint by any person interested to the Judge of the District Court, or a Magis-

trate, such person of color shall be instantly ejected by order or warrant, unless he produce a written lease authorizing his possession, or prove that such writing existed and was lost. A. D. 1865.

LXXX. In every case the costs of eviction may be exacted, by order or process, from the person evicted. Costs of eviction.

PAUPERS.

LXXXI. When a person of color shall be unable to earn his support, and is likely to become a charge to the public, the father and grand-fathers, mother and grand-mothers, child and grand-child, brother and sister of such person, shall, each according to his ability, contribute monthly, for the support of such poor relative, such sum as the District Judge, or one of the Magistrates, upon complaint to him, shall deem necessary and proper; and on failure to pay such sum, the same shall be collected by summary order or process. Contributions for support of paupers.

LXXXII. In each Judicial District, except the Judicial District of Charleston, in which there shall be one Board for the Election District of Charleston, and one for the Election District of Berkeley, there shall be established a Board, to be known as the "Board of Relief of Indigent Persons of Color," which shall consist of a Chairman and not less than three, nor more than seven other members, all of whom shall be Magistrates of the District, and be selected by the District Judge. Title of Relief Board.

LXXXIII. This Board shall meet at the Court House on the Tuesday next after the first Monday in February and August in every year, and at other times and places, fixed by its own appointment or the summons of its Chairman; and it may, at its pleasure, appoint sub-Boards, to be composed of such of its own members and other Magistrates of the District as it may select. Meeting of the Board.

LXXXIV. By the Board the District shall, as soon as practicable, be divided into precincts, within each of which some Magistrate shall reside. The Board is required to keep exact minutes of all its proceedings, and in these shall appear the boundaries of each precinct as from time to time they may be arranged. Division of the District.

LXXXV. A District Court Fund shall be established in each District, to be composed of aids paid for the approval of contracts between master and servant, and of instruments of apprenticeship, and for licenses granted by the District Judge, all fines, penalties and forfeitures collected under order or process from the District Court, or a Magistrate of the District, fees for appeal from the District Judge, wages of convicts, and taxes collected under the order of the Board of Relief of Indigent Persons of Color. Establishment of a District Court fund.

LXXXVI. If the District Court Fund, after payment of the sums with which it is charged, on account of the salary of the Judge of the District Court, Superintendent of Convicts, Jurors and other expenses of the Court, and of convicts, shall be insufficient to support indigent persons of color, who may be proper charges on the public, the Board aforesaid shall have power to impose for that purpose, whenever it may be required, a tax of one dollar on each male person of color between the ages of eighteen and fifty years, and fifty cents on each unmarried female person of Insufficiency of the District fund.

A. D. 1865.

Proviso.

color between the ages of eighteen and forty-five; to be collected in each precinct by a Magistrate thereof: *Provided*, That the said imposition of a tax shall be approved in writing by the Judge of the District Court, and that his approval shall appear in the Journals of that Court.

Collection of
taxes imposed
by Board.

LXXXVII. For collection of a tax imposed by the Board aforesaid, every Magistrate of a precinct shall give ten days' public notice, within his precinct, of the classes of persons liable to the tax, the sum which is required from every person of each class, and of the day when payment shall be made. Every person liable to pay, who fails to pay on the day appointed, shall become liable to pay a double tax, if he shall not make to the Magistrate a satisfactory excuse; and against him the Magistrate may issue process in the nature of *fiery facias*, special attachment, and other process most likely to exact payment; any or all of which shall be executed by a Constable or the Sheriff.

Persons unable
to earn a living

LXXXVIII. It shall be the duty of every person who is occupant of a house or premises, within seven days after public notice, to report, in writing and on oath, to a Magistrate of the precinct in which such house or premises are, the names, sexes, ages and occupations of all persons of color in the said house, or on the said premises, who are unable to earn a reputable livelihood for themselves and families, with the cause of disability as to each one; and, also, in respect to each one of such persons, the name, place of abode, and ability, so far as may be known, of every relation who is, according to the provisions hereinbefore contained, bound to contribute to the support of such person. For every failure, without good excuse, to make report as herein required, an occupant of house or premises as aforesaid, shall be liable to a fine not exceeding twenty dollars, nor less than five dollars, to be paid immediately; or if it should not be paid, substitution of other punishment to take place, as in other cases of fines not paid.

Inquiries to be
made.

LXXXIX. It shall be the duty of every Magistrate to make diligent inquiry into the condition and wants of the colored poor within his precinct; to give public notice when reports from occupants as aforesaid are required; to require such reports within a month next before each regular meeting of the Board of Relief of Indigent persons of Color, and whensoever else the said Board may direct; to examine such reports when made to him from them, and other information, to ascertain the correctness of the facts therein stated; to enforce, as far as possible, the obligation of persons bound, as before provided, to contribute to the support of poor relations, and to make reports to the Board aforesaid, as hereinafter directed, and to the District Court, as is required by the Act to establish District Courts.

Semi-annual
report of Ma-
gi-strates.

XC. Every Magistrate shall, besides the quarterly reports which he is required to make to the District Court, make, on the Monday next preceding the first Monday of February and August, every year, a semi-annual report to the Chairman of the Board aforesaid; which report shall clearly exhibit, for the time since his last preceding semi-annual report, all his receipts, all his payments, all his commissions, the condition of the colored population within his precinct, the name, sex, age, occupation and particular disability of

every person of color in that population who requires assistance from the public; the sum which, in his opinion, is necessary for such person, and the sum required for his whole precinct. In the receipts the distinction shall be observed between collections and moneys turned over to the Magistrate by some other officer, the particulars and sum of each being shown. The collections shall be classified according to the sources from which they proceeded; or, for instance, aids from contracts, aids from instruments of apprenticeship, fines, taxes. Under taxes shall appear the name and sex of the person from whom each item was collected. The sums paid for the support of poor relations, and by, and for whom, shall be set forth. In the expenditures, distinctions shall be observed between actual disbursements and sums turned over to other officers; and the different purposes of disbursements be arranged under suitable heads. Every expenditure must be accompanied by a proper voucher, unless it should appear that it was impracticable to obtain one. For any failure to make a report as herein required, a Magistrate shall be liable to indictment, and, upon conviction, shall pay a fine not exceeding fifty dollars, nor less than twenty dollars.

A. D. 1865.

Classification
of collection.

XCI. The Chairman of the Board aforesaid, besides the quarterly reports which, by the Act to establish District Courts, he is required to make to the District Court, shall, at each regular sitting of the said Board, and whensoever else he may be required by the said Board, or by the District Judge, make to the Board, in respect to his own acts as Magistrate of a precinct, such a report as is required from another Magistrate; lay before the Board the reports made to him by other Magistrates; and, also, make a full and particular report, in which shall be condensed the information obtained from the semi-annual reports of the Magistrate, so as to show the condition and wants of the whole District and of each precinct; which report shall also exhibit the receipts and expenditures for the whole District since the report last preceding, arranged under proper heads, so as to show the sums received from each source, and by what Magistrate, the sums disbursed for each purpose, and by what Magistrate, the sums turned over from one officer to another, commissions, expenses and contributions for poor relations. Each report shall particularly specify all delinquencies of Magistrates during its period, and the names of delinquents. For any failure to make report as here required, the Chairman shall be liable to indictment, and, upon conviction, shall pay a fine not exceeding one hundred dollars nor less than twenty dollars.

Report of
Chairman of
the Board.Liability of
Chairman.

XCII. The Board of Relief of Indigent Persons of Color shall determine the sum necessary for the support of each indigent person of color, who shall be deemed a proper charge on the public, the sum required by each precinct, the sum which shall be paid to each Magistrate to be disbursed by him, when reports from occupants as aforesaid shall be required, and when a tax shall be imposed. It shall direct the Magistrates respectively in the performance of the duties required of them in reference to paupers and the District Court Fund, and it shall report to the District Court all delinquencies and delinquents.

Sum for sup-
port of indigent
persons.

XCIII. The balance of the District Court Fund which, as provided by the "Act to establish District Courts," shall, under the

A. D. 1865.

Balance of the
District Court
fund.

order of the District Judge, be paid to the chairman aforesaid, shall, under the order of the Board aforesaid, be distributed to the Magistrates of precincts, and be by them disbursed for the relief of indigent persons of color, and other uses of the Board, as may be directed. The minutes of the Board shall show the sum assigned to each Magistrate, and the receipt of the Magistrate for every sum paid to him shall be taken by the Chairman of the Board, and shall accompany the next report of the Chairman to the Board as well as be exhibited in support of the Chairman's quarterly report to the District Court in which such payment is set down.

Removal.

XCIV. On satisfactory information to the District Judge, or a Magistrate, that a person of color has removed from another District, and is likely to become a charge to the District into which he has removed, the District Judge, or the Magistrate, shall proceed against such person as a vagrant, and, on conviction, he shall be punished as such: *Provided, however,* That persons of color who were removed by their former masters from other Districts, within the last five years, shall be allowed twelve months to return to the Districts from which they were removed; and those who have been separated from their families or relatives shall be allowed to return to them within twelve months.

Proviso.

VAGRANCY AND IDLENESS.

XCV. These are public grievances, and must be punished as crimes.

Places of abode
and employ-
ment.

XCVI. All persons who have not some fixed and known place of abode, and some lawful and reputable employment; those who have not some visible and known means of a fair, honest and reputable livelihood; all common prostitutes; those who are found wandering from place to place, vending, bartering or peddling any articles or commodities, without a license from the District Judge, or other proper authority; all common gamblers; persons who lead idle or disorderly lives, or keep or frequent disorderly or disreputable houses or places; those who, not having sufficient means of support, are able to work and do not work; those who (whether or not they own lands, or are lessees or mechanics,) do not provide a reasonable and proper maintenance for themselves and families; those who are engaged in representing, publicly or privately, for fee or reward, without license, any tragedy, interlude, comedy, farce, play or other similar entertainment, exhibition of the circus, sleight-of-hand, wax works, or the like; those who, for private gain, without license, give any concert or musical entertainment, of any description; fortune-tellers; sturdy beggars; common drunkards; those who hunt game of any description, or fish on the land of others, or frequent the premises, contrary to the will of the occupants, shall be deemed vagrants, and be liable to the punishment hereinafter prescribed.

Kinds of idleness.

Issue of war-
rant for va-
grancy.

XCVII. Upon information, on oath, of another, or upon his own knowledge, the District Judge, or a Magistrate, shall issue a warrant for the arrest of any person of color known or believed to be a vagrant, within the meaning of this Act. The Magistrate may proceed to try, with the assistance of five freeholders, or calling to

his aid another Magistrate, the two may proceed to try, with the assistance of three freeholders, as is provided by the Act of seventeen hundred and eighty-seven, concerning vagrants; or the Magistrate may commit the accused to be tried before the District Court. On conviction, the defendant shall be liable to imprisonment, and to hard labor, one or both, as shall be fixed by the verdict, not exceeding twelve months.

A. D. 1865.

XCVIII. The defendant, if sentenced to hard labor after conviction, may, by order of the District Judge or Magistrate, before whom he was convicted, be hired for such wages as can be obtained for his services, to any owner or lessee of a farm, for the term of hard labor to which he was sentenced, or be hired for the same labor on the streets, public roads or public buildings. The person receiving such vagrant shall have all the rights and remedies for enforcing good conduct and diligence at labor that are herein provided in the case of master and servant.

After sentence to hard labor.

XCIX. These provisions concerning vagrancy shall not be construed to repeal any other Act or Acts in whole or in part consistent herewith.

Repeal of other Acts.

In the Senate House, the twenty-first day of December, in the year of our Lord one thousand eight hundred and sixty-five.

W. D. PORTER, President of the Senate.

C. H. SIMONTON, Speaker House of Representatives.

Approved: JAMES L. ORR.

AN ACT TO AMEND THE LAW KNOWN AS THE "STAY LAW." No. 4734.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the Act of the General Assembly entitled "An Act to extend relief to debtors, and prevent the sacrifice of property at public sales, passed the twenty-first day of December, in the year of our Lord one thousand eight hundred and sixty-one, and all Acts amending said Act, be, and the same are hereby, continued in force until the adjournment of the next regular session of this General Assembly, and that nothing herein contained shall be construed to apply to any cause of action arising *ex delicto*, nor to any process of distress for the collection of rent.

Act to continue of force.

II. That nothing herein contained shall be construed to apply to any causes of action which may hereafter originate; nor shall any debtor be entitled to plead the benefit of this Act who shall fail, if demanded, at least three months previously, to pay, on or before the first day of December next, one-tenth of the aggregate amount of the debt and interest due at the time such demand is made; but in such case, the creditor shall be at liberty to proceed to judgment as if this Act had not been passed, and to enter execution: *Provided*, That no execution so obtained shall, during the continuance of this Act, be enforced for more than the costs and one-tenth of the aggregate amount of the debt and interest.

Case of failure to pay.

Proviso.

III. Neither shall any debtor on final process now subsisting be entitled to the benefit of this Act who shall fail, if demanded, at

Debtor on final process.

A. D. 1865.

least three months previously, by the creditor, or his or her attorney, to pay, on or before the first of December next, the costs and one-tenth part of the aggregate amount of principal and interest due on such process, at the time of such demand. And when such debtor, on demand made as aforesaid, shall fail to pay as aforesaid, it shall and may be lawful for such creditor to enforce such process for the costs and one-tenth part of the aggregate amount of principal and interest due.

Suspension of
Statutes of
Limitations.

IV. During the continuance of this Act, the Statutes of Limitation be and are suspended against the claims of all persons in possession of property of debtors on final process, and on which such process may have a lien.

In the Senate House, the twenty-first day of December, in the year of our Lord one thousand eight hundred and sixty-five.

W. D. PORTER, President of the Senate.

C. H. SIMONTON, Speaker House of Representatives.

Approved: JAMES L. ORR.

No. 4735. AN ACT TO PROVIDE FOR THE ISSUE OF BILLS RECEIVABLE IN PAYMENT OF INDEBTEDNESS TO THE STATE TO THE AMOUNT OF FIVE HUNDRED THOUSAND DOLLARS.

Treasurer to
have bills en-
graved.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the Treasurer is hereby authorized and required to cause to be prepared and engraved on steel, as soon as practicable, Bills Receivable, of the respective denominations of one, two, five and ten dollars, amounting in all to the sum of five hundred thousand dollars; and Tax Collectors, and all other public officers, are hereby required to receive said bills in payment of all dues to the State for the amounts expressed on the face of said bills, without the calculation of interest thereon.

Who signed by.

II. That said bills shall be signed by the Treasurer and countersigned by the Comptroller General, and the Treasurer shall be, and he is hereby, required to pay out said bills to all persons having claims against the Treasury, who shall be willing to receive the same in satisfaction thereof.

Counterfeiting.

III. Every person making or engraving, or aiding to make or engrave, or passing or attempting to pass, any imitation or alteration of said bills, knowing the same to have been imitated or altered, and every person having in possession a plate or impression made in imitation of them, with the purpose fraudulently and feloniously to use the same, shall be guilty of felony without benefit of clergy.

In the Senate House, the twenty-first day of December, in the year of our Lord one thousand eight hundred and sixty-five.

W. D. PORTER, President of the Senate.

C. H. SIMONTON, Speaker House of Representatives.

Approved: JAMES L. ORR.

AN ACT TO AMEND THE CHARTER OF THE GREENVILLE AND
COLUMBIA RAILROAD COMPANY.

A. D. 1865.

No. 4736.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the charter of the Greenville and Columbia Railroad Company be, and the same is hereby, so altered and amended as to authorize the said company to change the location of their road, and construct a new one, from a point at or near Frog Level, in Newberry District, along such route as they may select, to a connection with their present line of road, at some point near the city of Columbia; and for the purpose of making such change and constructing the said new road, the said company are hereby invested with all the rights, powers and privileges given and granted to them by their original charter, and the several amendments thereto.

Amendment of
charter.

Line of road.

In the Senate House, the twenty-first day of December, in the year of our Lord one thousand eight hundred and sixty-five.

W. D. PORTER, President of the Senate.

C. H. SIMONTON, Speaker House of Representatives.

Approved: JAMES L. ORR.

AN ACT TO INCORPORATE THE VILLAGE OF KIRKWOOD.

No. 4737.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the inhabitants of the Village of Kirkwood be, and are hereby, created a body politic and corporate in law, under the name and style of the village of Kirkwood, with like powers and privileges conferred upon the corporation of the Village of Newberry, by an Act passed on the seventeenth day of December, Anno Domini one thousand eight hundred and forty-one, entitled "An Act to incorporate certain villages, societies and companies."

Name and
style.

II. That the boundaries of said territory shall be as follows: All that territory lying north of Boundary street of the town of Camden; east of Mill street down to DeKalb street; north of DeKalb street to eastern margin of Pine-Tree Creek Swamp; west of the eastern margin of Pine-Tree Creek Swamp to the crossing of McRae's Bridge, including all the houses and settlements on the east side of Pine-Tree Creek of the DeKalb Factory, now the property of F. L. Zemp; south of a line drawn due west from said bridge to its intersection with Wyley street, of Camden, protracted northward; and east of said protracted street to Boundary street.

Boundaries
and location.

In the Senate House, the twenty-first day of December, in the year of our Lord one thousand eight hundred and sixty-five.

W. D. PORTER, President of the Senate.

C. H. SIMONTON, Speaker House of Representatives.

Approved: JAMES L. ORR.

A. D. 1865.

AN ACT TO DECLARE CERTAIN STREAMS NOT NAVIGABLE.

No. 4738.

Streams not
navigable.

Proviso.

Be it enacted by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the following streams are declared to be not navigable as public streams, to wit: "Berresford Creek," "Cook's Creek," "Venning's Creek," "Gibson's Creek," and "Clowter's Creek," and "Daniel's Island Creek," beyond the point of land known as the "Clement's Ferry Landing:" *Provided*, That nothing herein contained shall restrict the parties through whose lands said streams run from using them as navigable streams.

In the Senate House, the twenty-first day of December, in the year of our Lord one thousand eight hundred and sixty-five.

W. D. PORTER, President of the Senate.

C. H. SIMONTON, Speaker House of Representatives.

Approved: JAMES L. ORR.

No. 4739.

AN ACT TO AMEND THE LICENSE LAW.

Corporations to
grant licenses.Violation of
License Law.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the City Council of Charleston, the various municipal corporations and Boards of Commissioners of Roads, and all other persons or bodies corporate, in whom the right to grant tavern licenses, or licenses to retail spirituous liquors, is now vested, be, and the same are hereby, authorized to fix the price of such licenses at such sum as to them may seem proper: *Provided*, That the same shall not be less than fifty dollars for each license.

II. That any person who shall violate the license law of this State, upon conviction thereof, shall be fined in a sum not less than treble the amount of the price of a license prescribed, and, at the time of the commission of the offense, existing for the local jurisdiction wherein such offense is committed, and shall be imprisoned at the discretion of the Court.

In the Senate House, the twenty-first day of December, in the year of our Lord one thousand eight hundred and sixty-five.

W. D. PORTER, President of the Senate.

C. H. SIMONTON, Speaker House of Representatives.

Approved: JAMES L. ORR.

AN ACT TO AUTHORIZE FARMERS AND PLANTERS TO GIVE THEIR
BOOKS IN EVIDENCE IN CERTAIN CASES.

A. D. 1865.

No. 4740.

Be it enacted by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That from and after the passing of this Act, books of original entry kept by farmers and planters relating to the transactions of their farms or plantations shall be receivable in evidence in all trials in which the business or transactions of their farms or plantations shall be called in question, as between the farmer or planter and his employees, in the same manner as books of merchants and shopkeepers now are.

Books to be
receivable in
evidence.

In the Senate House, the twenty-first day of December, in the year of our Lord one thousand eight hundred and sixty-five.

W. D. PORTER, President of the Senate.

C. H. SIMONTON, Speaker House of Representatives.

Approved: JAMES L. ORR.

AN ACT TO ESTABLISH REGULATIONS FOR THE PURPOSE OF PRE- No. 4741.
VENTING THE SPREAD OF ASIATIC CHOLERA IN THIS STATE.

Be it enacted by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That full power and authority is hereby given to the Governor of this State, by his proclamation, to make such regulations as, in his opinion, may be necessary in order to prevent the entrance of Asiatic Cholera into this State, and to prevent the spreading of such disease in this State.

Power vested
in Governor.

In the Senate House, the twenty-first day of December, in the year of our Lord one thousand eight hundred and sixty-five.

W. D. PORTER, President of the Senate.

C. H. SIMONTON, Speaker House of Representatives.

Approved: JAMES L. ORR.

AN ACT TO INCORPORATE THE ROSE MILL MANUFACTURING No. 4742.
COMPANY.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That James C. W. McDonald, A. DeCaradeuc and E. J. C. Wood, and their associates and successors, are hereby made and created a body politic and corporate in law, by the name and title of the Rose Mill Manufacturing Company, for the purpose of manu-

Title.

A. D. 1865.

facturing cotton and wool, and other manufactures incidentally connected therewith; and may purchase or erect all such mills or other works as may be required to carry on such branches of manufacture; and they shall have power to raise by subscription, in shares of one hundred dollars each, a capital stock of fifty thousand dollars.

Capital stock.

Powers given.

II. That the said corporation may purchase and hold such real estate in South Carolina as may be required for the purposes of the said corporation, or such as they may be obliged or deem it for their interest to take, in the settlement of any debts due the said corporation, and may dispose of the same; and may sue and be sued in all Courts of law and equity; may have and use a common seal, and make such by-laws for their regulation and government as they may see proper: *Provided*, They are not inconsistent with the laws of the land.

Proviso.

Officers.

III. The government and management of all the affairs and operations of said company shall be vested in a Board, to consist of a President and four Directors, to be elected annually by the stockholders from amongst themselves, who shall be chosen at such times and places, and according to such by-laws, as the said company may agree on.

Stock to be called in.

IV. The Board of Directors may call in the amount of the said capital stock, at such periods and in such proportions as they may deem best, by publishing in one or more newspapers in Charleston fifteen days' notice of the amount required, and the time and place of payment: *Provided*, That the whole amount of the said capital stock shall be paid in on or before the first day of January, of the year eighteen hundred and sixty-nine. And an oath or affirmation thereof shall be made by the President, Treasurer, and a majority of the Board of Directors, which shall be recorded in the Secretary of State's office, and published in two of the Charleston newspapers.

Failure to pay.

And if any stockholder shall fail to pay the amount required, at the time and place designated, interest shall be charged on the amount so called for until it is paid; and upon such failure to pay, the Board of Directors shall again publish a demand for the payment of the sum required, and giving notice that, if the instalment called for is not paid at the place appointed within thirty days, with all interest due thereon, all and every payment before made on the stock of such defaulting stockholder or stockholders shall be forfeited to the company; and if such instalment, or the portion thereof so called for, shall not be paid in, with interest, within thirty days after the publication of such notice, all the money paid in on the shares of such stockholder or stockholders is hereby declared forfeited to the said company: *Provided*, That in every case where such default is occasioned by the death of the stockholder, the legal representative or representatives of such stockholder may redeem such stock, at any time within one year from such default, by paying up the principal and all interest due thereon.

Proviso.

Certificate of stock.

V. The stockholders of said company shall hold certificates of their stock, signed by the President and Secretary, which certificate shall be assignable and transferred in such manner and form as may be directed by the said by-laws of said company.

Increase of capital.

VI. The said company may, at any time, increase its capital stock

to an amount not exceeding two hundred thousand dollars, for the purpose of carrying on its operations, by opening subscriptions for new stock.

A. D. 1865.

VII. That the capital stock shall be deemed personal estate, and be transferable upon the books of the said corporation; and no part of the said capital stock shall, at any time, or upon any pretense whatever, be loaned to or divided amongst the stockholders; neither shall the capital be withdrawn or divided among the stockholders, until all the liabilities of the company are lawfully paid; and no dividends shall be declared, except from the nett earnings of the company.

Capital stock
as personal es-
tate.

VIII. That each stockholder shall have one vote for each share he may own or represent at the election of Directors and all meetings of the company.

Votes.

IX. That the Directors shall submit to the stockholders, semi-annually, a written statement, under oath or affirmation of the Treasurer of the corporation, setting forth the amount of capital stock paid in and general assets of the company, and also of the amount of their existing debts.

Statement of
Directors.

X. The members of the said corporation shall be liable, jointly and severally, for all debts and contracts made by the said corporation, until the whole amount of the capital stock, which may be subscribed, shall have been actually paid in; and no note or obligation given by any stockholder, whether secured by a pledge of his stock in said corporation or otherwise, shall be considered as payment of any part of the capital stock, until such notes or obligations shall have been actually paid in.

Liability of
members.

XI. This Act shall be taken and deemed to be a public Act, shall be and continue of force for the term of forty years, and shall not be so construed as to confer any exclusive privileges.

Public Act.

In the Senate House, the twenty-first day of December, in the year of our Lord one thousand eight hundred and sixty-five.

W. D. PORTER, President of the Senate.

C. H. SIMONTON, Speaker House of Representatives.

Approved: JAMES L. ORR.

AN ACT TO POSTPONE THE LIEN OF THE STATE ON THE GREEN- No. 4743.
VILLE AND COLUMBIA RAILROAD.

Be it enacted by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the Greenville and Columbia Railroad Company, for the purpose of re-locating and constructing such portions of their road between Frog Level, in Newberry District, and the city of Columbia, as they may deem necessary, be, and are hereby, authorized to create lien, by mortgage or otherwise, on their "estate, property

Postpone-
ment of lien.

A. D. 1865.

Proviso.

and funds," for a sum not exceeding four hundred thousand dollars, which shall postpone and have priority over any lien in favor of the State: *Provided*, That the holders of the unendorsed bonds of said company, and the judgment creditors of said company, consent and agree, in writing, that their bonds and judgments be postponed and become a third lien on said road.

In the Senate House, the twenty-first day of December, in the year of our Lord one thousand eight hundred and sixty-five.

W. D. PORTER, President of the Senate.

C. H. SIMONTON, Speaker House of Representatives.

Approved: JAMES L. ORR.

No. 4744. AN ACT FOR THE RELIEF OF THE SPARTANBURG AND UNION RAILROAD COMPANY.

Authority to borrow.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the Spartanburg and Union Railroad be authorized and empowered to borrow or raise the sum of six hundred thousand dollars, to be used in the extension, building and procuring the proper outfit of said road to the city of Columbia, South Carolina.

Bonds and coupons.

II. That for this purpose the said company is hereby authorized and empowered to issue bonds to the amount of six hundred thousand dollars, payable twenty years after the date thereof, with coupons attached, payable semi-annually. These bonds shall have a priority of lien over all other liens, bonds, mortgages, judgments and debts on the whole road when finished to Columbia, South Carolina, including its outfit and real estate.

Lien, postponement of.

III. That the present lien of the State of South Carolina on said road be postponed, and become a second lien; which said second lien shall extend and cover the whole road, its outfit and real estate, when completed to Columbia, South Carolina.

Amendment to original Act.

IV. That the first Section of an Act entitled "An Act to authorize the formation of the Spartanburg and Union Railroad Company," ratified the seventeenth day of December, Anno Domini one thousand eight hundred and forty-seven, be so amended as to authorize said company to change the present location of their road, by diverging therefrom at any point which may be agreed on by them, on the eastern side of Broad River, and running through parts of the Districts of Fairfield and Richland, to or near the city of Columbia, with all the privileges and rights of way, and subject to all the disabilities as are contained in the charter aforesaid: *Provided*, This shall not impair any rights conferred by the original charter.

Location of road.

V. This Act shall not take effect unless the holders of the undorsed bonds of said company, and the judgment creditors of said company, first consent and agree, in writing, that their bonds and judgments be postponed, and become a third lien on said road.

A. D. 1865.
Conditions.

In the Senate House, the twenty-first day of December, in the year of our Lord one thousand eight hundred and sixty-five.

W. D. PORTER, President of the Senate.

C. H. SIMONTON, Speaker House of Representatives.

Approved: JAMES L. ORR.

AN ACT TO AUTHORIZE THE SALE OF THE COLUMBIA CANAL. No. 4745.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That His Excellency the Governor, the Lieutenant Governor, and the Mayor of the city of Columbia, are hereby constituted a commission to sell and convey the right, title and interest of the State in the Columbia Canal, and in all the lands, privileges and appurtenances owned by the State, thereunto belonging or appertaining, subject to the following conditions, (in addition to such other conditions as the said Commissioners, in their discretion, may impose, which conditions shall be published in the advertisement,) to wit: That the purchaser or purchasers, his or their heirs, assigns or successors, shall, within two years from the date of conveyance, complete the widening and deepening of said canal to at least twice its original capacity; that the same shall always be kept open and in proper order for boating purposes (free of charges for toll or otherwise) as far as the same is now used; that the water of said canal shall not be allowed to become stagnant; that the same shall not be used for other than hydraulic purposes, and that the title to the canal shall revert to the State on default being made in any of the conditions so imposed.

Certain persons a commission.

Condition of sale.

II. That for the purpose of enabling the purchaser to widen said canal, he be authorized to use the land for a space of sixty feet on either side of the centre line of the present canal, on payment to the owner thereof of such sums as may be assessed by Commissioners for that purpose, to be appointed by the Court of Common Pleas for Richland District; the proceeding of the Commissioners so appointed to be governed in all respects according to the provisions of the tenth Section of an Act entitled "An Act to authorize the formation of the Greenville and Columbia Railroad Company," ratified the fifteenth day of December, one thousand eight hundred and forty-five.

Land to be used.

Governed by.

III. That for the purpose of securing to the State the highest price for the property proposed to be sold, and to enable all to compete for the purchase thereof, the said Commission shall cause the same to be advertised in at least one paper in New York, Richmond and Charleston, for two months previous to closing the contract.

To be advertised, where.

A. D. 1865.

The said advertisement shall set forth fully the nature, value, importance and extent of the property to be sold, and invite bids for the same; the cost of such advertisement to be paid by check of His Excellency the Governor on the Treasurer; which check shall be paid by said Treasurer out of the public fund. And the said Commission shall accept the bid which, in their judgment, shall be most advantageous to the State.

In the Senate House, the twenty-first day of December, in the year of our Lord one thousand eight hundred and sixty-five.

W. D. PORTER, President of the Senate.

C. H. SIMONTON, Speaker House of Representatives.

Approved: JAMES L. ORR.

NO. 4746. AN ACT TO AMEND AND RENEW THE CHARTER OF THE CALHOUN INSURANCE COMPANY, OF CHARLESTON.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the Calhoun Insurance Company, of Charleston, are hereby authorized to divide the capital stock of the said company into sixteen thousand shares, of twelve dollars and fifty cents each. One-half of the said capital stock shall be assigned by the Directors of the said company to the present owners of the said stock, in proportion to the number of shares held by each; and the said stockholders shall be credited rateably on the said shares, with the present actual market value of the assets and property of the said company, over and above the liabilities of the said company; and they shall pay, upon each share held by them respectively, at such times and in such manner as the said Directors may determine, an amount sufficient to make up, with the said assets and property, the aggregate sum of one hundred thousand dollars. The remaining eight thousand shares of the capital stock shall be disposed of by the said Directors at public auction, after giving at least two days' notice by advertisement in two daily papers, in the city of Charleston, of the time and place of the said sale. And a cash payment of five dollars on each of the said shares shall be made in the stocks, bonds or Treasury notes of the United States, or in other good and valuable securities, to be estimated at their market value by the said Directors, and the balance shall be paid at such times and in such manner as the said Directors may determine: *Provided*, That each of the present stockholders shall be entitled to purchase, at their par value, as many of the new shares as he shall then own old shares, on condition that he apply therefor on or before a day to be fixed by the said Directors, and shall conform, in all respects, to the terms prescribed for the purchases made at the said sale.

II. That one-third of the capital of the said company shall be paid in, and satisfactory proof thereof be furnished to the Comptroller General, before the said company shall be authorized to com-

mence business, and the whole of the said capital shall be paid within one year from that time. A. D. 1865.

III. That so much of the Act to incorporate the Calhoun Insurance Company, of Charleston, passed on the twenty-first day of December, one thousand eight hundred and sixty-one, as is not inconsistent with this Act, be, and the same is hereby, renewed and made of force, with this Act, for twenty years. Renewal of Act.

In the Senate House, the nineteenth day of December, in the year of our Lord one thousand eight hundred and sixty-five.

W. D. PORTER, President of the Senate.

C. H. SIMONTON, Speaker House of Representatives.

Approved: JAMES L. ORR.

AN ACT TO AMEND AN ACT ENTITLED "AN ACT TO ALTER THE LAW IN RELATION TO LAST WILLS AND TESTAMENTS, AND FOR OTHER PURPOSES," RATIFIED THE TWENTY-FIRST DAY OF DECEMBER, IN THE YEAR OF OUR LORD ONE THOUSAND EIGHT HUNDRED AND FIFTY-EIGHT. No. 4747.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That no subscribing witness to any will, testament or codicil, shall hereafter be held incompetent to attest or prove the same by reason of any devise, legacy or bequest therein in favor of such witness, or the husband or wife of such witness, or by reason of any appointment therein of such witness, or the husband or wife of such witness, to any office, trust or duty, and such devise, legacy or bequest shall be, and the same is hereby, declared valid and effectual, if otherwise so, except so far as the property, estate or interest so devised or bequeathed shall exceed in value any property, estate or interest to which such witness, or the husband or wife of such witness, would be entitled, upon the failure to establish such will, testament or codicil; but to the extent of such excess, the said devise, legacy or bequest shall be null and void; and such appointment shall be valid, if otherwise so; but the person or persons so appointed shall not, in such case, be entitled by law to take or receive any commissions, or other compensation, on account thereof.

Witness not incompetent because of interest.

II. That the second Section of an Act entitled "An Act to alter the law in relation to last wills and testaments, and for other purposes," ratified the twenty-first day of December, in the year of our Lord one thousand eight hundred and fifty-eight, be, and the same is hereby, repealed.

III. That the third Section of the said Act be amended so as to read as follows, viz: That hereafter the probate, in due form of law, by and before the proper Ordinary, of any last will and testament, whether the same be of real property exclusively, or of real and personal property mixed, shall be good, sufficient and effectual in law, in the same manner and to the same extent as if the said last

Amendment.

A. D. 1865.

will and testament were exclusively of personal estate ; and no devise of real estate shall be admitted as evidence in any cause until after probate before the Ordinary, either in common form, or in due form of law.

IV. That all Acts and parts of Acts inconsistent herewith be, and the same are hereby, repealed.

In the Senate House, the nineteenth day of December, in the year of our Lord one thousand eight hundred and sixty-five.

W. D. PORTER, President of the Senate.

C. H. SIMONTON, Speaker House of Representatives.

Approved: JAMES L. ORR.

No. 4748. AN ACT TO ESTABLISH THE UNIVERSITY OF SOUTH CAROLINA.

Preamble.

Whereas the proper education of youth is a matter of vital importance to this State in its present condition, and ought to be the special object of Legislative attention ; and whereas the conversion of the South Carolina College into an University will meet its great demand, and will foster all the elements which have heretofore contributed to its intellectual and moral power, and will preserve its unity and glory :

Title, rights
and duties.

I. *Be it, therefore, enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the corporation heretofore created by an Act entitled "An Act to establish a College at Columbia," ratified the nineteenth day of December, in the year of our Lord one thousand eight hundred and one, shall hereafter be known by the name of the University of South Carolina, and as such, shall be entitled to all the rights and be liable to all the duties conferred or imposed upon the said original corporation by the said Act, and all amendments thereto, except where the same shall be modified by the provisions of this Act.

Arrange-
ment of de-
partments.

II. That the Board of Trustees of the University of South Carolina shall, as soon as practicable after the ratification of this Act, establish schools and provide for competent Professors in the following departments, to wit: First, a School of Ancient Languages and Literature; second, a School of Modern Languages and Literature; third, a School of History, Political Philosophy and Economy; fourth, a School of Rhetoric, Criticism, Elocution and English Language and Literature; fifth, a School of Mental and Moral Philosophy, Sacred Literature and Evidences of Christianity; sixth, a School of Mathematics, Civil and Military Engineering and Construction; seventh, a School of Natural and Mechanical Philosophy and Astronomy; eighth, a School of Chemistry, Pharmacy, Mineralogy and Geology.

One Professor
a minister.

III. The Board of Trustees shall take care that one of the Professors thereinbefore provided for shall be a Minister of the Gospel, who shall also be charged with the duties of Chaplain to

the said University, under such regulations and with such additional salary as may be fixed by the said Board.

A. D. 1865.

IV. That no student shall matriculate until he shall have attained the age of fifteen years, and shall agree to enter at least three of the schools provided for by this Act: *Provided, however,* That in special cases the Chairman of the Faculty may, at his discretion, permit any applicant to take less than three schools. The fees to be paid by each student shall be as follows: If the student enters three schools or more, for each school he shall pay twenty-five dollars per annum; if the student enters two schools only, for each school thirty-five dollars per annum; if the student enters only one school, fifty dollars per annum. The compensation for room rent, use of Library, and such damages to the property of the corporation as may be done by each student, shall be regulated by the Board of Trustees.

Age for matriculation.

Fees paid by students.

V. The Board of Trustees may, if it is deemed proper, give a license to one or more persons learned in the Law, and one or more Professors of Medicine, to give instruction in their respective professions in the said University, and assign to them, or any of them, a Lecture room or Lecture rooms, in which, at times, and under terms and conditions, and with tuition fees prescribed by the said Board, they may respectively form classes and deliver instructions in their respective professions; and the same license may, if deemed proper by the said Board, be given to a person or persons qualified to instruct in any mechanical or practical pursuit. None of the branches of instruction provided for in this Section shall be considered as schools, or included in the number necessary to be taken by any person before matriculation.

Professor of Law and Medicine.

Mechanical pursuit.

VI. Each Professor hereinbefore provided for shall be allowed to occupy a house belonging to the corporation, free of rent, and be entitled to receive a salary of one thousand dollars, to be paid quarterly, in advance, by the Treasurer of the State, and shall also be entitled to receive such tuition fees as may be paid by the students entering the school at the head of which such Professor may be.

House and salary.

VII. The Board of Trustees shall appoint a Librarian, who shall act as Treasurer of the corporation and Secretary to the Faculty, and perform such other duties and receive such salary as the Board of Trustees may prescribe.

Librarian.

VIII. The various Professors appointed to give instruction in the various schools provided for in this Act shall constitute a Board, to be called the Faculty of the University of South Carolina, one of whom shall be chosen by the Board of Trustees as Chairman of the said Faculty, who shall perform the duties heretofore imposed upon the President of the South Carolina College, except where the same has been altered or modified by this Act.

Faculty.

IX. That nine members of the Board of Trustees, at any stated or occasional meeting thereof, shall constitute a quorum for the transaction of any business which is entrusted to the said Board; and in case of the absence of the President of the Board at any meeting, the majority of those present, provided there be a quorum, may proceed to elect a President *pro tempore*.

Quorum.

X. That the Members of the General Assembly from each

A. D. 1865. Election District in this State, or a majority of them, are hereby authorized and empowered, from time to time, to select one youth from each of their respective Districts, who shall be received into this University, and be allowed to matriculate in this Institution, and enter any three of the schools provided for in this Act which may be selected by him, without any charge for tuition, room rent, Free tuition. or use of the Library; and each Professor hereinbefore provided for shall be elected upon condition that he will give gratuitous instruction in his school to such of the said youths as may enter his school: Proviso. *Provided, however,* That no person receiving the benefit of this Section shall be exempt from any charge which may be made for damages done by him to the property of the corporation.

Bursar. XI. That the Board of Trustees may, if deemed advisable, elect a Bursar, who shall hold his office upon such terms and conditions, perform such duties, and be entitled to receive such salary or compensation as the said Board may prescribe.

In the Senate House, the nineteenth day of December, in the year of our Lord one thousand eight hundred and sixty-five.

W. D. PORTER, President of the Senate.

C. H. SIMONTON, Speaker House of Representatives.

Approved: JAMES L. ORR.

NO. 4749. AN ACT TO AMEND THE CHARTER OF THE EDISTO AND ASHLEY CANAL COMPANY.

Be it enacted by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the second Section of an Act entitled "An Act to incorporate the Edisto and Ashley Canal Company," ratified on the sixth day of February, in the year of our Lord one thousand eight hundred and sixty-three, be, and the same is hereby, so altered and amended that the stockholders shall be authorized and empowered to increase the capital stock of the said company to any extent, not exceeding three thousand shares, of one hundred dollars each, which they may deem desirable and proper.

Increase of capital stock.

In the Senate House, the twenty-first day of December, in the year of our Lord one thousand eight hundred and sixty-five.

W. D. PORTER, President of the Senate.

C. H. SIMONTON, Speaker House of Representatives.

Approved: JAMES L. ORR.

AN ACT TO INCORPORATE THE CHARLESTON HOOK AND LADDER COMPANY, NUMBER ONE.

A. D. 1865.

No. 4750.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That George A. Hilton, Joseph A. Morgan, George W. Crane and A. H. Barber, and their associates and successors, be, and they are hereby, constituted a body politic and corporate, by the name and style of the "Charleston Hook and Ladder Company, Number One," with all the rights and privileges conferred by law upon other hook and ladder companies of this State.

Name and style.

II. That said company shall consist of not more than forty members; and whenever reduced to the number of fifteen, all its property, real and personal, shall revert to the city of Charleston.

Limit of members.

III. This Act shall be deemed a public Act, and shall continue in force for fourteen years.

In the Senate House, the twenty-first day of December, in the year of our Lord one thousand eight hundred and sixty-five.

W. D. PORTER, President of the Senate.

C. H. SIMONTON, Speaker House of Representatives.

Approved: JAMES L. ORR.

AN ACT TO AMEND AN ACT ENTITLED "AN ACT IN RELATION TO THE SOUTHERN EXPRESS COMPANY, AND TO PROVIDE ADDITIONAL REMEDIES FOR THE DEFAULT OF COMMON CARRIERS."

No. 4751.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the provisions of the first and second Sections of an Act entitled "An Act in relation to the Southern Express Company, and to provide additional remedies for the default of common carriers," ratified on the seventeenth day of December, in the year of our Lord one thousand eight hundred and sixty-three, be, and the same are hereby, extended to all unincorporated associations of individuals and all incorporated companies.

Extension of rights.

II. That all such unincorporated associations may be sued and proceeded against, at law or in equity, under the name and style by which they are usually known, without naming the individual members of the association.

May be sued.

In the Senate House, the twenty-first day of December, in the year of our Lord one thousand eight hundred and sixty-five.

W. D. PORTER, President of the Senate.

C. H. SIMONTON, Speaker House of Representatives.

Approved: JAMES L. ORR.

A. D. 1865. AN ACT TO PROVIDE FOR THE RE-ORGANIZATION OF THE MILITIA.

No. 4752. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, as follows :

Commander-in-Chief. I. The Governor shall be the Commander-in Chief of the army and navy of the State, and of its militia, except when called into the actual service of the United States.

Aids-de-Camp. II. In addition to his staff, prescribed by law, he may appoint and commission ten Aides-de-Camp, to rank as Lieutenant Colonels, and to be removable at pleasure.

Power to assemble the militia. III. He may assemble the militia, or any portion thereof, at such place of rendezvous as he may deem fit.

Exemption from toll. IV. He and his suite, with their servants, horses and carriages, when traveling on official business, shall be exempt from the payment of toll of all chartered bridges, ferries and turnpike roads of the State.

Organization of the militia into divisions, brigades and regiments. V. The State of South Carolina shall be organized into five military divisions, ten brigades and forty-six regiments of infantry. Each division shall consist of two brigades of infantry (besides cavalry). The first division shall consist of the Judicial Districts of Greenville, Pickens, Anderson, Abbeville and Edgefield ; and the first, second, third, fourth, fifth and forty-second regiments of infantry shall constitute the first brigade of infantry ; and the sixth, seventh, eighth, ninth and tenth regiments of infantry the second brigade. The second division shall consist of the Judicial Districts of Barnwell, Lexington, (except the Dutch Fork, between the Broad and Saluda Rivers,) Orangeburg, Colleton, Charleston and Beaufort ; and the eleventh, twelfth, thirteenth, fourteenth, fifteenth and forty-third regiments of infantry shall constitute the third brigade ; and the sixteenth, seventeenth, eighteenth and nineteenth regiments of infantry, the regiment of rifles, and the first regiment of artillery, the fourth brigade. The third division shall consist of the Judicial Districts of Sumter, Clarendon, Richland, Kershaw, Lancaster, Fairfield and Chester ; and the twentieth, twenty-first, twenty-second, twenty-third and forty-fourth regiments of infantry shall constitute the fifth brigade ; and the twenty-fourth, twenty-fifth, twenty-sixth and twenty-seventh regiments of infantry, the sixth brigade. The fourth division shall consist of the Judicial Districts of Chesterfield, Darlington, Marlboro, Marion, Williamsburg, Horry and Georgetown ; and the twenty-eighth, twenty-ninth and thirtieth regiments of infantry shall constitute the seventh brigade ; and the thirty-first, thirty-second and thirty-third regiments of infantry, the eighth brigade. The fifth division shall consist of the Judicial Districts of York, Union, Spartanburg, Laurens, Newberry, and that part of Lexington known as the Dutch Fork, between Broad and Saluda Rivers ; and the thirty-fourth, thirty-fifth, thirty-sixth, thirty-seventh and forty-sixth regiments of infantry shall constitute the ninth brigade ; and the thirty-eighth, thirty-ninth, fortieth, forty-first and forty-fifth regiments of infantry, the tenth brigade.

Boundaries, etc. VI. The boundaries, numbers and rank of the beats, battalions and regiments shall remain as at present established.

VII. The divisions, brigades and regiments shall take rank according to their numbers, viz: The lowest in number shall be highest in rank; and officers of the division, brigade or regiment lowest in number shall take rank of others of similar grade and date of commission of a division, brigade or regiment higher in number; and officers of equal grade and date of commission in the same regiments shall determine their rank in the regiment by lot, in the presence of the officer commanding it.

A. D. 1865.

Divisions, brigades and regiments to take rank according to numbers.

VIII. The Brigadier General, to whom representations shall be made of gross inequality or manifest inconvenience of boundary, between any two or more adjoining beats, battalions or regiments in his brigade, shall appoint a Board of Commissioners, consisting of not less than five persons from each of the beats, battalions or regiments liable to be effected by the decision, whose duty it shall be to examine fully the complaints or representations so made, and to make a decision, either in favor of the existing or such new boundaries as to them shall seem proper, which, when approved and announced in orders by the Brigadier General, shall be conclusive.

Brigadier General to appoint Boards of Commissioners.

IX. Each regiment, battalion and company shall have a place of rendezvous, and no regiment rendezvous shall be changed, except by the concurrence of all the field officers of the regiment. No battalion rendezvous shall be changed, except by the concurrence of the Lieutenant Colonel, or Major, and all the Captains commanding companies of such battalion, with the approval of the Colonel commanding the regiment to which such battalion belongs; and no company rendezvous shall be changed, except by the concurrence of at least three-fourths of all the persons in such company liable to perform ordinary militia duty, and with the approval of the Lieutenant Colonel or Major commanding the battalion to which such company belongs; but nothing herein contained shall be construed to prevent the Commander-in-Chief, or Major General, or Brigadier General from assembling any portion of the militia at such place as either of them may deem proper.

Place of rendezvous.

OFFICERS AND THEIR DUTIES.

X. There shall be to the militia of this State one Adjutant and Inspector General, with the rank of Brigadier General. He shall be elected by joint ballot of both branches of the Legislature, to continue in office for four years from the date of his commission. He shall be perpetually re-eligible, and shall take rank from the date of his first commission, so long as he continues to be consecutively elected. There shall be one Quartermaster General, with the rank of Colonel; one Judge Advocate General, one Commissary General of Purchases, one Commissary General of Issues, and one Physician and Surgeon General, with the ranks, respectively, of Lieutenant Colonel; and one Apothecary General, with the rank of Major; who shall be appointed and commissioned by the Commander-in-Chief. The above officers, with the Aids, shall constitute the staff of the Commander-in-Chief.

Officers and their duties.

XI. There shall be to each division one Major-General, with the following staff, viz: One Division Adjutant and Inspector General, with the rank of Colonel; one Division Quartermaster General,

Staff officers to each division.

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and three Aids-de-Camp, with ranks of Major, respectively, who shall be appointed by, and receive their commissions from, the Major-General, subject (except his Aids-de-Camp) to the approval of the Governor.

Staff officers
to each bri-
gade.

XII. There shall be to each brigade one Brigadier-General, with the following staff, viz: One Brigade Adjutant and Inspector General, with the rank of Major; one Brigade Quartermaster General, and two Aids-de-Camp, with the rank of Captain, respectively, and one Brigade Chaplain, who shall be appointed by, and those entitled to receive commissions shall receive them from, the Brigadier General, subject (except his Aids-de-Camp) to the approval of the Major General.

Staff officers
to each regi-
ment.

XIII. There shall be to each regiment one Colonel, one Lieutenant Colonel, one Major, and the following staff, viz: One Adjutant, one Quartermaster, and one Assistant Surgeon, each with the rank of First Lieutenant; one Surgeon, with the rank of Captain; one Sergeant Major, one Quartermaster Sergeant, one Chaplain, and two Chief Musicians; the regimental staff shall be appointed by, and those entitled to commissions shall receive them from, the Colonel of the regiment, the commissioned staff subject to the approval of the Brigadier General.

Officers of
companies.

XIV. There shall be to each company one Captain, one First Lieutenant, two Second Lieutenants, five Sergeants, six Corporals, two Musicians, and one Clerk; the non-commissioned officers, Musicians and Clerk shall be appointed by the Captain or commander of the company.

Term of office.

XV. All officers entitled to military rank shall be commissioned and (except the Adjutant and Inspector Generals and the Aids-de-Camp of the Commander-in-Chief, of the Major Generals, and of the Brigadier Generals) shall hold their offices during pleasure; and no officer shall be deprived of his commission except by Act of General Assembly, or by sentence of a Court Martial. The Aids-de-Camp above mentioned, and all other persons attached to the division, brigade or regimental staff, not entitled to military rank, shall be removable from office at the pleasure of the officer making the appointment, and their appointments shall terminate whenever the commission of the officer making the appointment shall be vacated.

Command in
the line, offi-
cers on Boards,
Councils, etc.

XVI. No officer of the Quartermaster General's or Physician and Surgeon General's department shall be entitled to, or shall exercise any military command in the line; but such officers may be appointed on Boards, Councils and Courts Martial, and shall take their seats at the same according to the rank assigned them by this Act, and shall discharge the duties of such appointment.

Oath or affir-
mation.

XVII. Every commissioned officer shall, before he enters upon the duties of his office, and within sixty days after his election or appointment, take and subscribe the following oath or affirmation, to-wit: "I do swear (or affirm) that I am duly qualified, according to the Constitution of this State, to exercise the office to which I have been appointed; and that I will, to the best of my ability, discharge the duties thereof, and preserve, protect and defend the Constitution of this State, and that of the United States: So help me God." And any officer who shall neglect or refuse to take it

within the time prescribed shall forfeit his commission, and shall be considered as having refused to accept such office, and shall be liable to the penalties for such refusal to accept.

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XVIII. Every officer authorized to issue a commission to any person elected or appointed to any office in the militia is hereby authorized to administer the oath of office to such person, and shall, before delivering a commission to any person, either administer the oath to such person, or shall receive from such person the oath duly sworn to and subscribed before some person authorized to administer an oath; and, in either case, shall endorse and certify the same upon such commission.

Who shall administer the oath.

XIX. A Major General shall be elected by the commissioned officers of the division, including the division staff, in which the vacancy shall occur. No person shall be eligible to the office of Major General unless he shall, at the time of his election, reside in the division, and hold a commission with the rank of or above a Major, and shall have held a commission of or above the rank of Captain for at least twelve months next preceding the election. When any vacancy shall take place in the office of Major General, the Commander-in-Chief, for the time being, shall issue his orders to the several Brigadier Generals, or officers commanding brigades in the division in which such vacancy shall happen, requiring them to order each Colonel or officer commanding a regiment, in their respective brigades, to hold an election in their respective regiments for a Major General, to fill such vacancy; and the Colonels or officers commanding regiments as aforesaid shall post up a notice of the time and place of such election at least fifty days before the day of election at three public places within the limits of their respective regiments, and on the day of election shall order to their assistance the two commandants of battalions, or any two commissioned officers of their respective regiments, at the place appointed, and hold a poll from eleven o'clock A. M. to three o'clock P. M., count the votes, and forthwith transmit to their respective Brigadier Generals, or officers commanding brigades, a statement, in writing, showing the result of said poll, certified by them and their respective assistants; and the Brigadier-Generals, or officers commanding brigades, shall immediately transmit to the Adjutant General's office, at Columbia, a certified statement in writing, showing the result of the polls in their respective brigades; and the Commander-in-Chief shall pronounce the person having the greatest number of votes (if there be no contest) duly elected, and shall commission him accordingly. When the election of Major General is contested, the same shall be tried by a board of officers appointed by the Commander-in-Chief, to consist of one Major General, one Brigadier General, and three field officers, from whose decision there may be an appeal to the Commander-in-Chief, and his decision shall be final and conclusive, and he shall order another election, or shall commission the person duly elected, agreeably to the decision and approval aforesaid.

Election of Major General.

Contested election.

XX. It shall be the duty of each Major General to superintend and preserve the military organization of his division, and enforce strictly within the same the Militia and Patrol Laws of this State; he shall, from time to time, make such reports and returns of his

Duties of Major General.

A. D. 1865.

division as may be required of him by the Commander-in-Chief; he shall attend a review and drill of each regiment of his division at least once in two years, and shall be responsible for the correct instruction and good order of his division; he shall order and be responsible for the due execution of such inspections as may be required by law, and shall obey and execute all orders from the Commander-in-Chief.

Election of
Brigadier Gen-
eral.

XXI. A Brigadier General shall be elected by the commissioned officers of the brigade and division staff officers residing in the brigade in which the vacancy shall occur. No person shall be eligible to the office of Brigadier General unless he shall, at the time of his election, reside in the brigade, and have held a commission of or above the rank of Captain for at least twelve months next preceding the election. When any vacancy shall take place in the office of Brigadier General, the Major General, or officer commanding the division in which such vacancy shall happen, shall forthwith issue his orders to the Colonels or officers commanding the regiments of the said brigade, to hold, in their respective regiments, an election for a Brigadier General to fill such vacancy; and the Colonels, or officers commanding regiments, shall post up a notice of the time and place of such election, at least forty days before the day of election, at three public places within the limits of their respective regiments, and on the day and at the place of election shall order to their assistance the commandants of battalions, or any two commissioned officers of their respective regiments, and hold a poll, from eleven o'clock A. M. to three o'clock P. M., count the votes, and forthwith transmit to the Major General, or officer commanding the division, a statement, in writing, showing the result of said poll, certified by them and their assistants; and the Major General, or officer commanding the division, shall pronounce the person having the greatest number of votes to be duly elected, and issue a commission accordingly; but if the election be contested, it shall be tried by a board of officers appointed by the Major General or officer commanding the division to which such brigade shall belong, to consist of a Brigadier General and four other officers not under the rank of field officers, from whose decision an appeal shall be to the Commander-in-Chief, whose decision shall be final and conclusive; and agreeably to his decision, the Major General, or other officer commanding the division aforesaid, shall order another election, or shall commission the person duly elected, agreeably to the decision and approval aforesaid.

Duties of
Brigadier Gen-
eral.

XXII. It shall be the duty of such Brigadier General of infantry or cavalry to superintend and preserve the military organization of his brigade, and enforce strictly the Militia Laws and (the Brigadier General of infantry) the Patrol Laws of this State; he shall annually make and transmit to the Adjutant and Inspector General of this State, by the first day of October, a full and complete report of the strength of his brigade, of the public arms, equipments, books, ordnance and military stores in its possession; he shall, with his staff, attend a review and drill of each regiment of his brigade, at least once every year, and shall be responsible for the complete organization, correct instruction and good order of his brigade; he shall order and be responsible for the due execution of

such inspections as may be required by law, and shall obey and execute all orders from the Commander-in-Chief, or any of his superior officers.

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XXIII. The Brigadier General of the fourth brigade shall cause each and every of the volunteer companies under his command to be inspected at least once in every year by his Adjutant General, and shall organize and have under his command a fire-guard of the volunteer companies in the city of Charleston.

Inspections

XXIV. In all elections for Major General or Brigadier General, any officer entitled to vote may send his vote in writing, signed with his name, rank and title, under sealed cover, addressed to the officers holding such election for the regiment to which he belongs; or, if he be an officer attached to the division or brigade staff, he may send his vote, signed and under seal, as aforesaid, addressed to the officers holding the election for the regiment in which he resides.

Officers entitled to vote.

XXV. A Colonel of the line shall be elected by all free white men, above the age of eighteen years, who have resided in the State at least six months next preceding the election, and belong to the regiment in which the vacancy shall occur. No person shall be eligible to the office of Colonel, Lieutenant Colonel, or Major in the line, unless he has held a commission in the regiment at least six months next preceding the election; or, having served four years at the South Carolina Military Academy, is a graduate thereof. When any vacancy shall take place in the commission of Colonel of a regiment, the Brigadier General, or officer in command of the brigade in which such vacancy shall happen, shall issue his order to the officer commanding such regiment to order an election for a Colonel to fill such vacancy, who shall order each Captain, or commanding officer of a company of such regiment, to put up, at his company rendezvous, a notice of such election, at least twenty days before the day of election, and on the day of election, to order to his assistance two of his subaltern officers; or if there be but one, or none, such deficiency shall be supplied by any member of the company he may appoint, so that these persons shall open and hold a poll at such company rendezvous, from eleven o'clock A. M. to three o'clock P. M.; and if there should be any company of such regiment without any officer, then the commandant of the regiment shall appoint three fit persons of the company to act as managers of the election for such company, and issue his orders to them. And the managers, or at least one of them from each place of election, shall meet at the regimental muster-ground, on the first or second day after the election, according to order by the officer commanding the brigade, count over the votes, and forthwith transmit to him a statement, in writing, showing the result of such election, certified by all the managers present at such counting; and he shall pronounce the person having the greatest number of votes to be duly elected, and issue a commission accordingly.

Election of Colonel.

XXVI. Every person elected a Colonel to command a regiment, and having accepted the commission, shall be compelled to serve in such office for two years, under the penalty of one hundred dollars, and fifty per cent. on the amount of his last general tax, unless he shall be sooner promoted, shall remove out of the limits of his command, or shall, from bodily or mental infirmity, become incapable

Term of office of Colonel.

A. D. 1867.

of performing his duty, or shall be deprived of his commission by sentence of a court-martial.

Duties of
Colonel.

XXVII. It shall be the duty of each Colonel commanding a regiment to superintend and preserve the military organization of his regiment, and enforce strictly within the same the Militia (and the Colonel of infantry the Patrol) Laws of this State; he shall detail courts martial, to meet at his regimental muster ground, or at some other convenient place or places within his command, at least once in every six months, to try all defaulters in Militia or Patrol duty, and all officers (below the grade of field officers) and non-commissioned officers for neglect of duty or disobedience of orders in his regiment; shall, at least once in every year, order out his regiment, and shall drill, exercise and instruct it in the school of the battalion, and shall, on the day preceding such drill, or on some convenient day before, order and assemble all his officers and non-commissioned officers, and shall exercise and instruct them in such manoeuvres as he intends to be performed at his regimental drill. He shall, at least once in every year, order out and attend a review and drill of each battalion of his regiment. He shall be responsible for the complete organization, correct instruction and good order of his regiment; shall perform such inspections as shall be required of him by law; shall, at least once in every year, at such time as may be required by his Brigadier-General, make out and transmit to him a full and complete return of the strength of his regiment, and of the public arms, equipments, books, ordnance and military stores in its possession; and shall make such reports and returns respecting his regiment as may be at any time required by any of his superior officers. He shall enforce the collection of all fines imposed in his regiment, and shall obey and execute all orders from any of his superior officers. And it shall be the duty of every officer in command of any regiment or separate battalion, in the city of Charleston, to cause to be inspected by his Adjutant each volunteer company under his command at least twice every year, and, after the said inspection, to report forthwith to the Brigadier-General, or other officer in command of the fourth brigade, the condition of arms, ammunition and equipments of the companies inspected.

Vacancies,
how filled.

XXVIII. When any vacancy shall occur in the commission of Lieutenant-Colonel of any regiment, the Brigadier-General, or officer commanding the brigade to which such regiment belongs, shall immediately issue a commission of Lieutenant-Colonel to the Major then in commission in such regiment; and if it should so happen that two Majors of any regiment should rank from the same day, the rank of Lieutenant-Colonel shall be determined between them by lot, under direction of the Brigadier-General.

Election of
Major.

XXIX. A Major of the line shall be elected by all free white men, above the age of eighteen years, who have resided in this State at least six months next preceding the election, and shall belong to the battalion in which vacancy shall occur. When any vacancy shall take place in the commission of Major of a battalion, the Brigadier-General, or officer in command of the brigade in which it shall happen, shall issue orders to the Colonel, or officer commanding the regiment in which such vacancy shall occur, com-

manding him to order an election for a Major to fill it; and he shall order each Captain, or officer commanding a company of the battalion aforesaid, to post up at his company rendezvous a notice of such election, at least fifteen days before the day of election, and on the day of election, to order to his assistance two of his subordinate officers; or, if there be but one, or none, such deficiency may be supplied by any member of the company that he may appoint, so that three persons shall open and hold a poll at such company rendezvous, from eleven o'clock A. M. to three o'clock P. M., for a Major to fill such vacancy. And, if there should be any company of such battalion without any officer, then the commandant of the regiment shall appoint three fit persons to act as managers of the election for such company, and issue his orders to them; the managers, or at least one of them from each place of election, shall meet at the battalion muster-ground, on the first or second day after the election, count the votes, and forthwith transmit to the Brigadier-General, or officer commanding the brigade, a statement, in writing, showing the result of the election, certified by all the managers present at such counting; and he shall pronounce the person having the greatest number of votes to be duly elected, and issue a commission to him accordingly.

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XXX. It shall be the duty of each Lieutenant-Colonel or Major commanding a battalion to assist the Colonel of his regiment in maintaining the military organization of his battalion, and enforcing the Militia (and the Lieutenant-Colonel and Major of infantry the Patrol) Laws within the same; he shall, at least once in every year, under the orders of his Colonel, assemble his battalion, and shall exercise and instruct it in the school of the battalion, and shall, on the day preceding such drill, assemble all his officers and non-commissioned officers, and shall instruct and drill them in the manœuvres to be performed the next day. He shall be responsible for the correct instruction and good order of his battalion, and shall, when required by his Colonel, or any of his superior officers, make a full and complete return of the strength of his battalion, and of the public arms, equipments, books, ordnance and military stores in its possession, and shall obey and execute all orders from any of his superior officers. Every person elected and having accepted the commission of a Major, to command a battalion, shall be compelled to serve in such office for two years, under the penalty of seventy-five dollars, and fifty per cent. on the amount of his last general tax, unless such person shall be sooner promoted, or shall remove out of the limits of his command, or shall, from bodily or mental infirmity, become incapable of performing the duty thereof, or be deprived of his commission by sentence of a court martial.

Duties of
Major and
Lieutenant-
Colonel.

XXI. When the election of any field officer is contested, the Brigadier-General of the brigade to which such field officer shall belong shall order to his assistance two field officers of some other regiment of his brigade, not interested in the event of the dispute, and shall hear and determine the validity of such election; and either of the candidates shall have the right to appeal from such decision to the Major-General of the division to which he belongs; and the said Major-General, together with a board of general and field officers, to be appointed by, and to consist of, the said Major-

Contested
elections.

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Duties of the
Adjutant and
Inspector-
General.

General, not less than one Brigadier General and three field officers, shall hear said appeal, and their decision shall be conclusive.

XXXII. It shall be the duty of the Adjutant and Inspector-General to attend once in two years the muster of each regiment in the State, and the drill of the officers of each the day previous; and whenever he shall deem necessary, he may instruct the officers of the regiment: *Provided*, There shall be no superior officer present who may think proper to assume the direction of the drill. He shall, with the consent of the Commander-in-Chief, have power to order out for drill the regiments at such times as will best permit him to perform the duties of his office; he shall keep a military bureau in Columbia, in which he shall keep a true record of the number and rank of each division, brigade and regiment in the State; he shall procure a record, annually, of the return of the strength, arms and equipments of the Militia, the names, ranks and dates of commissions of all the general and field officers; shall record all military orders received by him, and, generally, all matters which relate to his office or the Militia, and which, in his opinion, may be necessary to enable him to exhibit the true strength, character and condition of the military force of the State. He shall, once a year, visit and inspect the arsenals and magazines in this State, and report to the Commander-in-Chief their condition, the number, kind and condition of arms, equipments and public stores in each, the number and description of public arms and equipments distributed to the militia each year, and the disposition and condition of such distributions, the strength of the guards at each, the duties performed by them, their general condition and efficiency to discharge the duties required by them; and to enable him to perform this duty, the Quartermaster General, and other officers having charge of these departments, shall, when required, make full reports to him of the different matters committed to their charge. He shall distribute all orders from the Commander-in-Chief to the several corps, and obey all orders from him, furnish blank forms of different returns that may be required, and explain the principles on which they should be made; he shall make a return of the militia, with their arms, accoutrements and ammunition, to the President of the United States, on or before the first Monday in January in each year; he shall be charged with the marshaling and inspection of troops, the correspondence in relation to all military affairs, and when in the field, with all general details of service of every description; he shall be obeyed by all officers of his department, which shall consist of the division and brigade Adjutant and Inspector Generals, the Adjutant and Sergeant Majors of the regiments, Orderly Sergeants and Clerks of companies, who shall, in addition to any other duties which may be required of them by the commandants of the respective corps to which they are attached, be charged with the performance (in their respective corps) of the duties prescribed for the Adjutant and Inspector General.

Salary of the
Adjutant and
Inspector-
General.

XXXIII. The salary of the Adjutant and Inspector General shall henceforth be one thousand five hundred dollars, and of the Quartermaster General, two hundred dollars annually.

XXXIV. It shall be the duty of the Quartermaster General to

superintend and inspect, at least once in every year, the arsenals and magazines of the State; to provide for the transportation and safe keeping of the tents, arms, camp equipage and ammunition; he shall be charged with the quartering and transporting troops and their provisions, the safe keeping and transporting of military stores and materials of every kind, opening roads, and building and repairing bridges for military purposes; he shall receive all fines imposed by any court martial appointed by the Commander-in-Chief, and pay over the same to his order; he shall annually make to the Commander-in-Chief a full report of the amount of money received by him, and from what source, the amount paid out, to whom, and the amount remaining in his hands; he shall, also, make annually, to the Adjutant and Inspector General, a full report of the number and kind of arms, ammunition, ordnance and military stores and equipments remaining in the arsenals and magazines, and the number and kind delivered out, to whom, and upon what condition, and generally upon all matters relating to his department; he shall, also, annually make to the Commander-in-Chief a full report of the amount of money received by each division, brigade and regimental Quartermaster in the State, the amount paid out by each, and the amount remaining in the hands of each; he shall be charged with the payment of the militia when in the service of the State; he shall give bond, with sureties, payable to the State of South Carolina, for the faithful discharge of his duty, in such sum as may be deemed necessary by the Commander-in-Chief, which bond shall be deposited in the office of the Adjutant General; he shall be obeyed by all officers of his department, which shall consist of the division, brigade and regimental Quartermasters, Quartermaster Sergeants, the arsenal keepers and powder receivers, who shall, in addition to any other duties which may be required of them by their immediate commanders, be charged with the performance (in their respective corps) of the duties prescribed for the Quartermaster General.

XXXV. In addition to the duties prescribed for the Quartermaster General, it shall be the duty of each division Quartermaster to receive all fines imposed by any court martial appointed by his Major General, and to pay over the same to the order of the Commander-in-Chief, or such Major General; he shall annually make to the Quartermaster General and his Major General a full report of the amount of money received by him, from what source, the amount paid, to whom, and the amount remaining in his hands; he shall, also, make annually to the Quartermaster General, a full report of the amount of money received by each brigade and regimental Quartermaster in his division, the amount paid by each, and the amount remaining in the hands of each; he shall be charged with the payment of the militia of his division, when in the service of the State; he shall give bond, with sureties, in the penal sum of one thousand dollars, to the State of South Carolina, for the faithful performance of his duty, which bond shall be lodged with the Clerk of the Court of the District in which he resides at the time of his appointment as division Quartermaster; he shall be obeyed by all brigade and regimental Quartermasters of his division.

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Duties of
Quartermaster-General.

Duties of Division Quartermaster.

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Duties of
Brigade Quar-
termaster.

XXXVI. It shall be the duty of each brigade Quartermaster to receive all fines imposed by any court martial appointed by the Brigadier General, or officer commanding the brigade to which he belongs, and pay over the same to the order of the Commander-in-Chief, the Major General of the division, or Brigadier of the brigade, to which he belongs; he shall annually make to the division Quartermaster of the division to which he belongs, and to the officer commanding his brigade, as often as may be required by such officer, a full report of the amount of money received by him, from what source, the amount paid, to whom, and the amount remaining in his hands; he shall annually make to his division Quartermaster a full report of the money received by each regimental Quartermaster in his brigade, the amount paid out, and the amount remaining in the hands of each; he shall be charged with the payment of the militia of his brigade, when in the service of the State; he shall give bond, with surieties, to the State of South Carolina, in the penal sum of one thousand dollars, for the faithful performance of his duties, which bond shall be lodged with the Clerk of the Court of the District in which he resides at the time of his appointment as brigade Quartermaster; he shall be obeyed by all regimental Quartermasters in his brigade.

Duties of
Regimental
Quartermaster.

XXXVII. It shall be the duty of each regimental Quartermaster to receive all fines imposed by any court martial appointed by the Colonel, or officer commanding the regiment to which he belongs, and pay over the same to the order of the Commander-in-Chief, or Major General of the division, or Brigadier General of the brigade, or Colonel, or officer commanding the regiment to which he belongs. He shall make, as often as may be required by such officer, a full report of the moneys received by him, from what source, the amount paid out, to whom, and the amount remaining in his hands; he shall be charged with the payment of the militia of the regiment to which he belongs, when in the service of the State; he shall give bond, with sureties, to the State of South Carolina, in the penal sum of one thousand dollars, for the faithful performance of his duty, which bond shall be lodged with the Clerk of the Court of the District in which he resides at the time of his appointment as regimental Quartermaster.

Duties of
Judge Advocate-General.

XXXVIII. It shall be the duty of the Judge Advocate General to attend all courts martial appointed by the Commander-in-Chief, and to prosecute, in the name of the State, all persons who may be brought before such courts; and shall, when required by the Commander-in-Chief, or any Major General, give his opinion, in writing, on any point of militia or patrol law.

Duties of
Commissary-
General of
Purchases.

XXXIX. It shall be the duty of the Commissary General of Purchases to purchase all arms, equipments, munitions of war, ordnance stores, military materials, medicines and surgical instruments.

Duties of
Commissary-
General of Is-
sues.

XL. It shall be the duty of the Commissary General of Issues to purchase or otherwise procure all subsistence, fuel, forage and straw for bedding for troops in service, which he shall deliver over to the Quartermaster General, under such regulations as may be prescribed.

XLI. The Physician and Surgeon General is charged with the

government of hospitals, and regulating the duties of Surgeons and Assistant Surgeons. He shall be obeyed by the Apothecary General and all Surgeons and Assistant Surgeons.

XLII. It shall be the duty of the Apothecary General to receive from the Commissary General of Purchases all medicines and surgical instruments; and he is charged with the safe-keeping and distribution of the same.

XLIII. The Captain, First Lieutenant and Second Lieutenant of a company shall be elected by all free white men, above the age of eighteen years, who have resided in the State at least six months next preceding the election, and belong to the company in which the vacancy shall occur.

XLIV. When any vacancy shall occur in the commission of a Captain, First Lieutenant or Second Lieutenant of a company, the Colonel or officer commanding the regiment in which such vacancy shall happen, shall issue his orders to the Lieutenant Colonel or Major, or officer commanding the battalion in which such vacancy shall happen, commanding him to order an election to fill such vacancy, and also to order two fit persons of said company to manage the election; and the Managers shall advertise the election at two public places, within the limits of the company, for at least ten days before the day of election, and shall open and hold a poll at the usual muster ground of the company, from eleven o'clock A. M. to three o'clock P. M., count the votes the same evening, and forthwith transmit to the Colonel, or officer commanding the regiment, a statement, in writing, showing the result of such election, certified by the Managers, and he shall pronounce the person having the greatest number of votes to be duly elected, and issue a commission to him accordingly. When such election is contested, the Colonel of the regiment to which such officer shall belong shall order his Lieutenant Colonel and Major to his assistance, and shall hear and determine the same, and their decision shall be conclusive.

XLV. Each person elected an officer in the company, who shall accept the commission, shall be compelled to serve in the office to which he shall be elected for twelve months, under the penalty of twenty dollars, and fifty per cent. on the amount of his last general tax, unless he shall be promoted, or remove out of the limits of his command, or become, from bodily or mental infirmity, incapable of performing the duty thereof, or be deprived of his commission by the sentence of a court martial.

XLVI. It shall be the duty of each Captain or commanding officer of a company, to enforce, within his company, the militia (and the commanders of beat companies the patrol) laws of this State. He shall assemble his company at least twice in each year, and shall instruct, drill and exercise it in the schools of the soldier and company; he shall be responsible for the correct instruction and good order of his company; he shall constantly keep in office in his company the full number of non-commissioned officers required by law, under the penalty of fifty dollars; he shall appoint the Sergeants, Corporals, clerk and musicians of his company, and they shall be removable at his pleasure; he shall make such returns and reports of his company as may be required by any of his supe-

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Duties of Physician and Surgeon-General.

Duties of Apothecary-General.

Election of company officers.

Vacancies, how filled.

Term of office.

Laws to be enforced.

Parades, etc.

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rior officers; he shall report all the defaulters of his company for the neglect of militia or patrol duty, all non-commissioned officers for neglect of duty or disobedience of orders off duty, to the first court martial authorized to try the same, after the commission of such default, neglect or disobedience; he shall cause them to be summoned to attend said court, which he shall furnish with the evidence of such summons, and shall transmit to the court all written excuses that may be given to him for that purpose. If he should have no defaulters to report to any court martial detailed for the trial of defaulters in his regiment or battalion, he shall report that fact, in writing, to such court, and shall execute and obey all orders from any of his superior officers.

Duties of
Lieutenants.

XLVII. It shall be the duty of the First Lieutenant and the Second Lieutenants to assist the Captain of their company to maintain its military organization, and to enforce the militia and patrol laws within the same, and to execute and obey all orders of their superior officers.

Managers of
elections.

XLVIII. The officers or others managing an election for any militia officer, before they proceed to hold the election, shall be duly sworn that they will impartially hold and faithfully conduct such election, and they are severally authorized to administer such oath to each other; they shall enter in a book or roll the names of all persons voting at such election, and shall provide a box or bag to receive the ballots; they may require any person offering his vote to swear that he is duly qualified and entitled to vote, and may propound such questions as may be necessary to satisfy themselves of his qualification.

Contested
elections.

XLIX. In all cases of contested elections, a protest, in writing, stating the ground of such contest, shall be delivered to the officer authorized to issue the commission, and a copy shall be served upon the person having a plurality of votes, within thirty days after the election.

Resignations.

L. Resignations of militia officers shall be tendered, in writing, to the following officers, and, if accepted, shall be retained on file in the department of the officer accepting them, viz: A Major General shall resign to the Commander-in-Chief; a Brigadier General, or officer of the division staff, to the Major General of the division to which such resigning officer belongs; or, if there be no Major General, then to the Commander-in-Chief; the field officers, and officers of the brigade staff, to the Brigadier General; and if they have none, then to their Major General, or officer commanding the division to which they belong; the company officers and regimental staff, to the Colonel or commandant of the regiment.

Vacancies.

LI. When any vacancy in the commission of any officer of the line shall occur, the officer whose duty it may be to order an election to fill it, shall forthwith issue his order placing the officer next in rank, in the corps in which the vacancy shall happen, in the office vacated, until an officer shall have been elected and commissioned to fill such vacancy; and in the interim, the officer so ordered to fill the vacancy *pro tempore*, shall have the same powers and be liable to the same penalties as if elected to said office.

LII. Each officer shall reside in his command, and on his removal therefrom, his commission shall be vacated: *Provided*, That

when the dividing line between any regiments, battalions or beats shall pass through any city, town or village, any person holding a commission in either regiment, battalion or beat, may reside any where within the limits of such city, town or village without forfeiting his commission; and that when the dividing line between two regiments or battalions, in any brigade, shall pass through the lands of any person on which he resides, it shall be lawful for him to hold a commission in either of such regiments or battalions.

LIII. If any regiment or battalion shall neglect or refuse, for six months, to elect an officer to command such regiment or battalion, or if the person elected shall refuse to accept such office, it shall be the duty of the Brigadier General, or officer commanding the brigade to which such regiment or battalion belongs, to appoint and commission a fit person, liable to do ordinary militia duty in such regiment or battalion, to command such regiment or battalion, and he shall be compelled to serve in such office for two years, under the penalty (if appointed to the command of a regiment) of one hundred dollars, and fifty per cent. on the amount of his last general tax; and if appointed to the command of a battalion, under the penalty of seventy-five dollars, and fifty per cent. on the amount of his last general tax; but he shall not be compelled to serve in such office longer than two years in four.

LIV. If any beat company shall neglect or refuse, for two months, to elect an officer to fill any vacancy which shall occur in it, or the person elected shall refuse to accept of such office, it shall be the duty of the Colonel, or officer commanding the regiment to which such company belongs, to appoint and commission some fit person, liable to ordinary militia duty in such beat, to fill such office, and he shall be compelled to serve in such office for twelve months, under the penalty of fifty dollars, and fifty per cent. on the amount of his last general tax, unless he shall be sooner promoted, or from bodily or mental infirmity become incapable of performing the duties thereof, or remove out of the limits of his command, or unless the company shall sooner elect some fit person, who shall accept such commission; and it shall be the duty of the Colonel, or officer commanding the regiment, to appoint and commission, as often as the appointment shall be refused; and in every case of refusal to accept, the penalty shall be enforced; but no person appointed by the Colonel to an office in a beat company shall be compelled to uniform himself, or serve in such office longer than one year in three.

LV. Every person appointed a sergeant or corporal in a company shall be compelled to serve in that post for twelve months, under the penalty of twenty dollars, and fifty per centum on the amount of his last general tax, unless he be sooner promoted, or shall remove out of the limits of the company, or shall become, in the opinion of the officer commanding the company, incapable of discharging the duties of the appointment; but no person shall be compelled to serve as a sergeant or corporal longer than one year in two.

LVI. It shall be the duty of the sergeants and corporals of every company to warn the subaltern officers and privates of their respective companies, whenever necessary, to all musters; to summon

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Officers to reside within the limits of their respective commands.

Officers to be appointed under certain contingencies.

Neglect or refusal to fill vacancies.

Term of service of Sergeants and Corporals.

Duties of Sergeants and Corporals.

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(when required) all defaulters of militia and patrol duty, all non-commissioned officers for neglect of duty or disobedience of orders off parade, and all fatigue men for the non-performance of duty, to the court martial detailed for their trial, and to report, in writing, on oath, such summoning to the Captain or commanding officer of their company, before the sitting of such court; and the officer under whose authority any sergeant or corporal shall be required to summon any person to a court martial, is hereby authorized to administer an oath to prove such summons, and to certify the same. And it shall be the duty of all officers whose duty it shall be to appoint sergeants and non-commissioned regimental staff officers, to give them, respectively, a certificate, signed officially, specifying the appointment, its date, and the company or regiment to which they belong.

Duties of
Clerks of Beat
companies.

LVII. It shall be the duty of each Clerk in any beat company, once in every year, to take a census of his company, and he is authorized to demand the name of every person resident within its limits, and inquire into the liability of such person to perform militia or patrol duty in such company; and if any person shall fail or refuse to answer satisfactorily, on oath, (which oath he is hereby authorized to administer,) the necessary inquiries of such Clerk respecting his liability to perform such duty, such person shall be enrolled by the Clerk, and shall not afterwards be permitted to plead any exemption or disability which existed at the time of such enrollment; and if in the sixteenth regiment, shall forfeit and pay the sum of ten dollars, to be sued for and recovered before any Magistrate, which penalty shall be paid into the hands of the Quartermaster of the sixteenth regiment; he shall keep a roll of all persons liable to perform ordinary militia duty, a list of all alarm men, and a roster of all persons liable to perform ordinary patrol duty in his company; he shall, under the superintendence of the Captain, or commanding officer of the company, make out and furnish all patrol warrants to the commanders of patrols; he shall make out and present to the commanding officer of his company all the returns of the strength and equipments of the Company that shall be required; he shall keep a book in which he shall record all written orders received or issued by the commander of the company; and he shall be exempt from drill at company, battalion, regimental and brigade musters. Every clerk of a company, for neglect of any duty required by law or disobedience of orders, shall be fined in the sum of five dollars, and fifty per cent. on the amount of his general tax.

Cavalry, duties to be performed.

LVIII. The cavalry of this State shall consist of volunteers, in the territorial limits of each brigade of infantry, who shall hold themselves in constant readiness to march to any point in the State, to suppress insurrection or repel invasion; and no company shall consist of more than one Captain, one First Lieutenant and two Second Lieutenants, four sergeants, four corporals, one saddler, one ferrier, one trumpeter and eighty privates.

Officers of
cavalry com-
panies.

LIX. No company of cavalry shall be received or organized as a company unless such company at its first inspection, shall consist of at least one Captain, one First Lieutenant and two Second Lieutenants, four sergeants, four corporals, one saddler, one ferrier, one

trumpeter and thirty-two privates, in full uniform, and each member fully equipped with a saddle, bridle, halter, martingale, crupper, valise and spurs, and mounted upon a serviceable horse, at least fourteen and-a-half hands high; the uniform to be submitted to and approved by the Major General, or officer commanding the division to which such company may belong; and if, at any subsequent inspection any company of calvary shall not contain one Captain, three Lieutenants, four sergeants, four corporals, and twenty-four privates, fully equipped, armed and mounted as above, and shall not recruit to that number within six months after notice to fill up its ranks, given to the commander of such company, then such company shall be dissolved and the commissions of the officers vacated.

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LX. Whenever there shall be but one company of cavalry within the limits of any infantry brigade, the Brigadier General, or officer commanding such brigade, shall attach such company to one of the regiments of infantry or artillery of his brigade, and such company shall be subject to, and obey the orders of, the officer commanding such regiment of infantry or artillery.

Cavalry attached to infantry under certain contingencies.

LXI. Whenever there shall be more than one, and less than four companies of cavalry, or mounted companies raised, or that may be raised under the proclamation of the Provisional Governor, within the limits of any brigade, such companies shall be organized by the officer commanding such brigade into a battalion of cavalry, attached to such brigade, and subject to, and shall obey the orders of, the officer commanding such brigade.

Battalions of cavalry.

LXII. Whenever there shall be four or more companies of cavalry within the limits of any infantry brigade, such companies shall be organized by the officer commanding such brigade into a regiment of cavalry, which regiment shall have the number and corresponding rank of the brigade in which it is raised, and the officers thereof shall take rank of all officers of similar grade and date of commission in any regiment higher in number; but no regiment shall consist of more than eight companies.

Regiments of cavalry.

LXIII. Whenever there shall be two regiments of cavalry in a division, such regiments shall be organized, by the officer commanding such division, into a brigade of cavalry, which brigade of cavalry shall take the number and corresponding rank of such division, and the officers thereof shall take rank of all officers of similar grade and date of commission in any brigade higher in number.

Brigades of cavalry.

LXIV. Each battalion or squadron of cavalry shall consist of not less than two, or more than four, companies; and it shall be the duty of the Colonel, or officer commanding a regiment of cavalry, to arrange the companies of his regiment into battalions, as equal as practicable.

Battalions of cavalry to be formed.

LXV. Whenever there shall be but one regiment of cavalry in any division, such regiment shall be attached to, and form a part of, the brigade in which such regiment is raised, and shall be subject to, and obey the orders of, the officer commanding such brigade.

Regiment of cavalry.

LXVI. There shall be, to each brigade, regiment, battalion and company of cavalry, the same number and grade of officers and

Officers.

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Elections of
officers.

non-commissioned officers allowed to the infantry, who shall respectively perform the duties heretofore prescribed.

LXVII. Elections for officers in the cavalry shall be ordered, advertised and conducted, the same eligibility to office, and the same qualifications in the voters required, all appointments made, and the persons elected or appointed to office commissioned, in the same manner as in the infantry; no person in the artillery or infantry shall be eligible to office, or entitled to vote for any officer, in the cavalry; and no person in any organized brigade of cavalry shall be eligible to office or entitled to vote in any brigade of infantry; and no person in any organized regiment, battalion, or company of cavalry, shall be eligible to office, or entitled to vote for any officer, in any regiment, battalion or company of infantry or artillery.

Battalions or
squadrons to be
dissolved.

LXVIII. Whenever any battalion or squadron of cavalry shall be reduced below two companies, it shall be dissolved, and the commission of the Lieutenant Colonel or Major thereof shall be vacated; whenever any regiment of cavalry shall be reduced below four companies, it shall be dissolved, and the commissions of the Colonel and staff officers thereof shall be vacated; whenever either of the regiments comprising a brigade of cavalry shall be dissolved, such brigade shall be dissolved, and the commissions of the Brigadier General and staff be vacated.

Officers to
settle difficul-
ties.

LXIX. If any collision shall arise between the cavalry and the infantry, within any division in which a brigade of cavalry shall be organized, it shall be the duty of the Major General to determine the case; and if any such collision shall occur within any brigade of infantry, in which the cavalry shall not form a part of an organized brigade of cavalry, it shall be determined by the Brigadier General of infantry; the parties in the former case have the right to appeal to the Commander-in-Chief, and in the latter to the Major General of the division.

Colonels,
Lieutenant-
Colonels and
Majors to at-
tend parades.

LXX. Each Colonel of cavalry shall attend a muster, and instruct each company of his regiment, at least once in every two years; and each Lieutenant Colonel and Major of cavalry shall attend a muster, and instruct each company of their respective battalions, at least once in every year.

Artillery.

LXXI. There shall not be more than one volunteer company of artillery to each regiment of infantry, except in the fourth brigade, and it shall be attached to the regiment in which it is raised; and such company shall consist of one Captain, four Lieutenants, four Sergeants and four Corporals, and at least forty privates; and any company that shall not consist of the number of officers, non-commissioned officers, and privates aforesaid, in full uniform, and shall not recruit to that number within six months after notice to the commander thereof to fill up its ranks, shall be dissolved, and the commission of its officers shall be vacated.

Amount al-
lowed for each
piece.

LXXII. Each corps of artillery throughout the State shall be allowed the sum of thirty-seven dollars and fifty cents for each piece of artillery fully manned and regularly exercised by the said corps, for the purpose of defraying the expenses of the same, to be drawn from the Treasury by order of the commanding officer of the said corps, countersigned by the commanding officer of the regiment or

battalion to which the said company may be attached, stating the number of pieces so manned and exercised as above: *Provided*, The sum so to be drawn shall in no case exceed the sum of two hundred and twenty-five dollars.

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LXXIII. There may be to each regiment of infantry as many volunteer companies of light infantry or riflemen as practicable. Such companies shall consist of one Captain, one First Lieutenant and two Second Lieutenants, five Sergeants, six Corporals, and not more than eighty-six, nor less than forty privates, in full uniform, and such uniform shall be submitted to, and approved by, the commander of the brigade to which such company belongs; whenever any such company shall be reduced below the number of officers, non-commissioned officers and privates, in full uniform, above required, and shall not recruit to such number within six months after notice to its commander to fill up its ranks, it shall then be dissolved, and the commissions of its officers vacated.

Light infantry or riflemen.

LXXIV. No volunteer company of light infantry or riflemen shall consist of more than one Captain, three Lieutenants, four Sergeants, four Corporals, two Musicians, and eighty-six privates. Each non-commissioned officer, Musician and private of a volunteer company shall be furnished by the commanding officer thereof with a certificate of membership, and it shall be evidence of exemption from Militia duty in the beat company in which he shall reside; but no such certificate shall be given, nor such exemption allowed in the beat company, until such person, alleging his membership of a volunteer company, shall be uniformed and equipped according to law; and any officer who shall knowingly give a false certificate of membership, shall be court-martialed, convicted and cashiered, and shall forever be deprived of becoming a member of any volunteer company.

Officers of light infantry or rifle companies.

LXXV. Volunteer companies may adopt a constitution and set of by-laws, not conflicting with the general law, and enforce the same by all needful rules and regulations; and hold company courts martial, to be composed of a majority of the commissioned officers, for the trial of offences created by such constitution and by-laws; and to collect by process of execution, to be issued by the presiding officer thereof, all fines and penalties imposed by such courts martial. Such process shall be executed by the Sheriff of the District wherein the person fined resides, and a return thereof be made by the said Sheriff to the Captain of said company within three months after the same may have been lodged in his office. In every other respect, the said courts martial shall be subject to the law in regard to regimental courts martial.

Constitution and by-laws.

LXXVI. A beat company shall not be reduced, by the raising of any volunteer company, below the aggregate of twenty-five men, including officers, non-commissioned officers and Musicians; and when any beat company shall, from any cause, become reduced below the aggregate of twenty men, and there shall be any one liable to do ordinary militia duty residing therein, and claiming to be a member of any volunteer company, the commanding officer of the former shall require the commander of the latter to transfer to him a sufficient number of men residing therein to make up the number of twenty men, even if it should take all the members of such vol-

Beat companies not to be reduced below a certain number.

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unteer company that shall reside in such beat, and they shall become members of said company; such requisitions shall be made upon the different corps in the following order, to wit: First, upon the artillery; second, upon the light infantry and riflemen; and, lastly, upon the cavalry.

Objections to requisitions.

LXXVII. The commanding officer of a volunteer company objecting to such requisition shall, within twenty days thereafter, make the same, in writing, to the commander of the regiment to which the beat belongs, who shall determine the validity of such objections; and either party may appeal, in case the requisition be made upon a company of cavalry forming a part of a brigade of cavalry, to the Major General of the division, and, in all other cases, to the Brigadier General of the brigade to which such company belongs, and the decision of the Major General, in the former, and the Brigadier General, in the latter case, shall be conclusive. If the commander of a volunteer company shall neglect or refuse to comply with such requisition, and shall not, within twenty days thereafter, make his objections thereto as aforesaid, the commanding officer of the beat company shall enroll in his company the names of persons residing therein, and belonging to such volunteer company, and have them warned thereof, and they shall perform militia duty in such beat company: *Provided*, That no such enrollment shall exceed more than a sufficient number to make the aggregate of twenty-five men.

Proviso.

Notice of leave.

LXXVIII. No member of any volunteer company shall leave it, unless he shall have given at least six months' notice, in writing, of such intention, to the commander thereof, and shall forthwith enroll himself in the beat company in which he resides, or become a member of some other volunteer company, and produce a certificate thereof from the commander of such company, or unless he shall have accepted of an office inconsistent with the membership of such company.

Volunteer companies dissolved.

LXXIX. When any volunteer company shall be dissolved, each member thereof shall forthwith enroll himself in the beat company in which he resides, or shall become a member of some other volunteer company; and every person that shall neglect or refuse to do so shall be fined in double the amount for which he should have been liable if he had been regularly enrolled, and made default for each muster of the beat company that shall occur after such dissolution and before his enrollment.

Duties of officers and privates.

LXXX. Officers, non-commissioned officers and privates of volunteer companies shall perform the same duties, and be liable to the same fines and penalties, as other officers, non-commissioned officers and privates of the militia; and if any such company shall be called into service by the Commander-in-Chief of this State, and shall refuse to go as a whole company, it shall be forthwith dissolved, and each member so refusing to go into service shall be forever deprived of becoming a member of any volunteer company.

False muster of a company.

LXXXI. Any officer of any volunteer company who shall make a false muster of his company, with the intention to deceive any officer whose duty it may be to inspect such company, or shall knowingly make any false representation to such officer concerning the number of men in his company, or their uniforms, arms or equip-

ments, shall, upon conviction by a court martial, be cashiered, and forever deprived of becoming a member of any volunteer company.

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LXXXII. The Adjutant and Inspector General, and the officers of his department, under his orders, shall hereafter inspect all volunteer companies, and shall report the reception and dissolution of any company to the Brigadier General, and no other officer shall have authority to receive or dissolve such company; when the reception or dissolution of a company of cavalry shall affect the organization of a brigade of cavalry, it shall be reported to the Major General of the division.

Duties of
Adjutant and
Inspector-
General and
his officers.

LXXXIII. Volunteer companies shall elect their own officers; and no member of such company shall be entitled to vote at any election for an officer of a beat company.

Volunteer
companies to
elect their offi-
cers.

LXXXIV. The Commander-in-Chief shall have power to order courts martial for the trial of any officer, non-commissioned officer, musician, private or fatigue-man of the militia of this State; and the several officers commanding divisions, brigades or regiments, shall have power to order courts martial for the trial of any officer, non-commissioned officer, musician, private or fatigue-man of the respective divisions, brigades or regiments; and the commander of a battalion of artillery or cavalry, not forming a part of an organized regiment of cavalry, shall have power to order courts martial for the trial of any officer, non-commissioned officer, musician or private in his battalion. The officer ordering a court martial shall detail an officer to act as Judge Advocate of the same.

Commander-
in-Chief to
order courts
martial.

LXXXV. A court martial, for the trial of any commissioned officer, shall consist of not less than five or more than thirteen commissioned officers; for the trial of a Major General, it shall consist of at least one Major General, two Brigadier Generals, and the other members of the court shall be officers above the rank of Captain; for the trial of a Brigadier General, it shall consist of at least one officer of the rank of Brigadier General, and the other members of the court shall be above the rank of Captain; for the trial of a Colonel, a Lieutenant Colonel and Major, or any staff officer of their respective ranks, it shall consist of at least one officer not under their respective ranks, and the other members thereof officers not under the rank of Captain; for the trial of a Captain, Lieutenant, or any staff officer of their respective ranks, shall consist of at least one officer not under the rank of Major, and the other members of the court shall be commissioned officers; and for the trial of a non-commissioned officer, musician, private or fatigue-man, shall consist of at least three commissioned officers.

Courts martial.

LXXXVI. It shall be the duty of each Major commanding a battalion of artillery or cavalry, not forming a part of an organized regiment of cavalry, to order courts martial, which shall meet at least once in every four months, at some convenient place within the limits of such battalion, and shall try all non-commissioned officers, musicians and privates of the battalion for their default in any duty required by law; he shall report to the officers of the brigade, to which such battalion is attached, every officer thereof who shall disobey any order, or not perform the duty required by law.

Major to
order
courts
martial.

LXXXVII. The officer authorized to order a court martial shall also have power to appoint supernumeraries, as well as the members

Supernume-
raries.

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of such court, and the former shall supply the vacancies occasioned by the absence, inability or incompetency of the latter; but such court shall not be composed of supernumeraries below the rank required by law to constitute it.

The Acting
Judge Advocate to admin-
ister oaths.

LXXXVIII. The acting Judge Advocate of a court martial shall administer to each witness, before allowed to give evidence, the following oath, to wit: "You swear the evidence you shall give in the case now in hearing shall be the truth, the whole truth, and nothing but the truth: So help you God."

Excuses.

LXXXIX. Any person may send his excuse or defense in writing, sworn to before some person authorized to administer such oath, to any court martial convened for his trial, and it shall be received and acted on by the court, unless it shall deem his personal attendance necessary to an adjudication of the matter, in which case the President of the court shall issue his summons, requiring the personal attendance of such person, on such day as may be appointed by the court; and if the person summoned shall neglect or refuse to obey it, the court shall proceed as if no defense had been rendered.

Opinions to
be delivered.

XC. The members of a court martial, in giving their opinions upon any question submitted to them for decision, shall do so successively, beginning from the youngest in commission, the President delivering his opinion last.

Records of
courts martial.

XCI. The acting Judge Advocate of every court martial shall make a faithful record of the proceedings of such court, which, after being read over in their hearing, shall be signed by the President and himself, and transmitted by the latter to the officer ordering the court. No sentence of any court martial shall be executed until approved by the officer ordering such court. If any officer ordering a court martial shall be promoted, resign, die, or vacate his commission by removal, or in any other way, before the sentence shall have been executed, the proceedings of such court martial shall be transmitted to his successor in command, who shall have the same power and discharge the same duty in regard to such proceedings as if he had originally ordered the court.

Proceedings
with reference
to erroneous
decisions.

XCII. If the officer authorized to approve the proceedings of a court martial shall think their decision erroneous, he may reassemble them to consider the case, and may assign his reasons to them, and they shall forthwith reconsider the case, and their determination shall be conclusive, and he shall carry the same into effect; but in every case affecting the rank or commission of any officer, this officer shall, after the reconsideration of such court, have the right of appeal, from a court ordered by a Colonel, to the Brigadier General, or from a court ordered by a Brigadier to the Major General, or from a court ordered by a Major General to the Commander-in-Chief, and the decision of the officer to whom the appeal is made shall be conclusive.

Oaths to be
administered
to members of
courts martial.

XCIII. The acting Judge Advocate of a court martial, for the trial of an officer, non-commissioned officer, musician, private or fatigue man, shall administer to each member of it, before they proceed to such trial, the following oath, to wit: "You swear that you will well and truly try and determine, according to the law and evidence, such cases as shall be brought before you, without partiality, favor or affection, and that you will not divulge the

sentence of the court until it shall be published by proper authority, neither will you disclose the vote or opinion of any particular member of the court martial, unless required as a witness to give evidence thereof by a court of justice: So help you God." When such oath shall have been administered to the members of the court martial, and the President thereof, he shall administer to the acting Judge Advocate the following oath, to wit: "You swear that you will not disclose the vote or opinion of any particular member of the court martial, unless required as a witness to give evidence thereof by a court of justice, nor divulge the sentence of the court to any but the proper authority, until it shall be disclosed by the same: So help you God."

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Proceedings in
case of refusal
to plead.

XCIV. If any member of a court martial shall be challenged by the accused, he shall state the cause of his objection, which the court shall consider and determine; and if any person arraigned before a court martial shall stand mute, refuse to plead, or answer foreign to the purpose, or if any one summoned to make his defense before a court martial shall neglect or refuse to appear or to send his defense in writing, sworn to before some one authorized to administer such oath, the court shall proceed to try and adjudge the case as if he had pleaded not guilty; but in every such case the person against whom judgment may be rendered, or any one dissatisfied with such decision, shall have the right, within thirty days after its publication, to appeal to the officer ordering the court, accompanying the same with an affidavit that he could not attend the court, nor render his defense in writing to the same, or that he could not, from some cause which shall be stated, make his defense to such court, without neglect or design on his part, and that the appeal is not merely for delay: *Provided, also,* That any person who may be fined by default, and conceive himself aggrieved by the sentence of the court, and shall make affidavit that he could not attend the court by which he was tried, or render his excuse in writing to the same, and that it was out of his power to sue out an appeal before the issuing of execution, and that he does not appeal for the purposes of delay, the officer ordering such court shall have power to hear and determine the case; and if he shall decide in favor of the party so appealing, he shall notify the Sheriff, in writing, to that effect, upon which the Sheriff shall enter satisfaction in the case, stating the manner in which it was settled.

Proviso.

XCV. In case of appeal by a commissioned officer from the decision of a court martial, the officer ordering it shall re-assemble it, or order a new court for the trial of such appeal, and such court shall proceed to try and adjudge such case as if no trial had occurred; and in all other cases of appeal, the officer ordering the court shall hear and determine the case, and his decision shall be conclusive.

Appeal by a
commissioned
officer.

XCVI. The officer who shall report any defaulter of militia, patrol, or fatigue duty to any court martial, shall certify to its correctness, which shall be deemed by the court as sufficient evidence of such default, unless it shall be denied on oath by the person reported, or disproved by other competent testimony; and the acting Judge Advocate of any such court martial, upon its final adjournment, shall, where it was held, put up a notice of the names

Certificate of
correctness by
officer report-
ing defaulter.

A. D. 1835.

Summons to
compel the
attendance of
witnesses.

of such as have been fined by the court, the fine imposed on each, and shall furnish the proper Quartermaster with a copy thereof.

XCVII. Any member of a court martial, or the Judge Advocate thereof, shall, upon application by any one interested in any trial to be had before such court, previous to its sitting, issue his summons to compel the attendance of any witness at such court, which may be served upon the witness by any person whatever; and if, after being so summoned, he shall neglect or refuse to obey the same, without a sufficient excuse, he shall be liable to a fine; if an officer, equal in amount to the fine imposed upon one of his grade for non-attendance at a regimental parade; and if a non-commissioned officer, musician, private, or person exempt from militia duty, two dollars and fifty per centum upon the amount of his last general tax: *Provided*, No person shall be compelled to attend any court martial who shall reside more than twenty miles from the place where such court shall sit.

Proviso.

Form of a
military sum-
mons.

XCVIII. The form of a military summons for a witness shall be as follows:

THE STATE OF SOUTH CAROLINA.

To

You are hereby summoned, upon the application of C. D., to attend a court martial to be held at _____, on the _____ day of _____, A. D. 18____, to give testimony in a case then and there to be tried.

(Signed)

A. B.

(Member of the Court, or Judge Advocate, as the case may be.)

Written de-
position.

Proviso.

XCIX. The written deposition of any witness, sworn to before some person authorized to administer an oath, may be given in evidence at any court martial: *Provided*, The Judge Advocate and party accused shall both be present at the taking of such deposition; and that the Judge Advocate and party accused shall each have a right to refuse to admit such testimony on the trial, unless he has had at least five days' previous notice of the time and place of taking the same, and that whenever such notice has been given, such testimony may be given in evidence.

Execution
for fines im-
posed by
courts martial.

C. The officer to whom the proceedings of any court martial shall be transmitted for approval, on the expiration of thirty days from its adjournment, shall issue execution for all fines imposed by such court, and not previously paid to the proper Quartermaster, and shall forthwith lodge the same in the Sheriff's office of the District in which the person fined resides; and the Sheriff shall enforce and return the same to him within four months from his lodging, and shall pay the amount to the Quartermaster, under the penalties now imposed by law for not returning process issued from the Courts of Record in this State, and shall be liable to rule and attachment from the Court of Common Pleas of the District wherein he resides, upon motion of any attorney or commissioned officer of the militia.

Fines paid
to Quarter-
master.

CI. Any person on whom a fine shall be imposed by a court martial may, within twenty days after its adjournment, pay the same to the Quartermaster, who shall give him a receipt for it, and

A. D. 1865.

CIV. You, and each of you, are hereby commanded to levy and sell out of the goods and chattels of each of the persons named in the said list sufficient to satisfy the fine or fines so adjudged against him, as well as the costs which shall accrue against him; and to pay over the said fine to the Quartermaster of the . And if any of the said persons shall refuse or fail to pay the fine or fines so adjudged against him, or to show personal property sufficient to pay the same, you are commanded to take him and lodge him in the common jail of your District, there to remain until discharged by law.

Given under my hand and seal, the day of ,
A. D. 18 .

Costs received
by Sheriff.

Y. Z., (with rank attached). [L. s.]
CV. The Sheriff shall be entitled to receive from the person against whom execution shall issue, the following costs, to wit: For every fine paid before levy, fifty cents; after levy and before sale, one dollar; for every fine collected by sale of property, including fee for advertising, two dollars and fifty cents; for arresting and committing delinquent to jail, two dollars; and the Sheriff shall be entitled to retain twenty per cent. on all fines he may collect.

Fine of
Major General
and Brigadier
General for
neglect.

CVI. Each Major General who shall neglect to attend a review and drill of each regiment of his division at least once in two years, shall be fined in the sum of fifty dollars, and fifty per cent. on the amount of his last general tax, for each regiment he shall fail to attend. Each Brigadier General who shall neglect to attend a review and drill of each regiment of his brigade at least once in every year, shall be fined in the sum of thirty dollars, and fifty per cent. on the amount of his last general tax, for each regiment he shall fail to attend.

Fines imposed
on officers for
not making re-
turns or re-
ports.

CVII. Each officer required by law to make any return or report, or who shall be required by any superior officer, and fail to make such return or report, shall be liable to be fined as follows, to wit: A Major General, one hundred and fifty dollars; a Brigadier General, one hundred dollars; a Colonel, or officer commanding a regiment, seventy-five dollars; a Lieutenant Colonel, Major or officer commanding a battalion, fifty dollars; a Captain, or officer commanding a company, twenty-five dollars; a Judge Advocate General, seventy-five dollars; a Quartermaster General, seventy-five dollars; a division Quartermaster, fifty dollars; a brigade Quartermaster, thirty dollars; and a regimental Quartermaster, twenty-five dollars; and all commissioned staff officers shall be fined in similar sums, according to their respective rank, and fifty per cent. on the amount of the last general tax of such delinquent of any grade.

Fines for
officers not
attending drills
or reviews.

CVIII. Any officer of the division staff who shall fail to attend a review and drill of each regiment in his division at least once in two years, and any officer of the brigade staff who shall fail to attend a review and drill of each regiment of his brigade at least once a year, shall be fined, for each regiment he shall fail to attend, the following sums, according to his rank and grade, to wit: A Colonel, twenty-five dollars; a Lieutenant Colonel, twenty dollars; a Major, fifteen dollars; a Captain, ten dollars; and fifty per cent. on the amount of such delinquent's last general tax.

CIX. Each Colonel of infantry who shall fail to attend a muster and drill of each company in his regiment at least once in two years; and each Colonel of cavalry, who shall fail to attend a muster and drill of each company in his regiment at least once in two years; and each Lieutenant Colonel or Major of infantry or artillery, who shall fail to attend a muster and drill of each company of his battalion at least once in every year; and each Lieutenant Colonel or Major of cavalry, who shall fail to attend a muster and drill of each company of his squadron once in every year, shall be fined, for each company in his command which he fails to attend, in the sum of twenty-five dollars, and fifty per cent. on the amount of his last general tax.

A. D. 1865.

Fines for failure to attend musters and drills.

CX. For non-attendance at a regimental, or squadron, or battalion muster, or drill of officers and non-commissioned officers, previous to such muster, the following fines shall be imposed, to wit: On a Colonel, fifty dollars; on a Lieutenant Colonel, forty dollars; on a Major, thirty dollars; on a Captain twenty dollars; on a Lieutenant, regimental Quartermaster, Surgeon, or Assistant Surgeon, fifteen dollars; on a Sergeant Major or Quartermaster's Sergeant, ten dollars; similar fines shall be imposed on the commissioned regimental staff officers, according to their respective rank; on a Sergeant or Corporal, three dollars; and on a private, for non-attendance at regimental, squadron or battalion muster, three dollars, and fifty per cent. on the amount of the last general tax of such delinquent officer, non-commissioned officer or private.

Fines for non-attendance at regimental, squadron or battalion musters.

CXI. For non-attendance at a company muster, the following fines shall be imposed, to wit: On a Captain, fifteen dollars; on a Lieutenant, ten dollars; and on a non-commissioned officer, Musician or private, two dollars, and fifty per cent. on the amount of the last general tax of such delinquent officer, non-commissioned officer, Musician or private.

Fines for non-attendance at company musters.

CXII. Any officer, non-commissioned officer, Musician or private, who shall, at any muster, parade, review, or drill whatever, leave his squad, company, battalion or regiment, without permission of his superior officer, shall be liable to all the penalties, as if he had willfully refused to appear at such muster, parade, review or drill.

Penalties for leaving command on parade, etc.

CXIII. The following persons shall be exempted from all militia service, to wit: The Lieutenant Governor, for the time being; the Judges of the Courts of law and equity; the Ordinaries; the clerks of the Courts of General Sessions and Common Pleas; Sheriffs, Masters, Commissioners and Registers in Equity; the Secretary of State; Surveyor General; Comptroller General and Treasurers of this State; and all persons over the age of sixty and under the age of sixteen years: *Provided*, That any person exempted from all militia duty shall, if he holds any commission in the military of this State, be not allowed to plead the exemption.

Persons exempt from all militia service.

Proviso.

CXIV. The following persons shall be exempted from ordinary militia duty, but shall be liable to perform the duty in times of alarm, insurrection, invasion, (or as one of the *posse comitatus*, when required,) and shall not be exempted from draft for actual service; but no person under the age of eighteen, or above the age of forty-five years, shall be liable to draft for any service beyond the limits of their respective brigades, to wit: All the officers, non-commis-

Persons exempt from ordinary militia duty, but liable to other duties.

A. D. 1865.

sioned officers and privates of the South Carolina volunteers in the Florida war, who were honorably discharged from service; the officers and members of the Palmetto Regiment, and Jerome B. Kerr, a soldier in the Merican war, of the Mississippi Regiment, and now of this State; also, the members of both branches of the General Assembly, and their respective officers, for fifteen days before the sitting, during the session, and fifteen days after the adjournment thereof; all regular officiating clergymen; all regular licensed practicing physicians; the faculty and officers in the South Carolina College; professors in theological schools; school-masters, having under their tuition not less than fifteen scholars; and all students at schools, academies and colleges; managers of elections, while employed in the duties of their office; all licensed pilots; one white man to each established ferry, toll bridge and toll grain mill, if actually kept by such white man; the President, Cashier and Teller of the several banks of this State; the officers and men of the City Guard and Fire Department of Charleston and Charleston Neck; the officers of the South Carolina Railroad Company, and of the other railroad companies of this State, as specified in "An Act concerning the South Carolina Canal and Railroad Company," passed on the twentieth day of December, Anno Domini one thousand eight hundred and thirty-two; the Superintendent and Keepers of the Lunatic Asylum; the Toll Collectors of the State Road; the keepers of the Arsenals at Charleston and Columbia; the officers and cadets of the State Military Academies; all persons holding office under the United States; all officers who have held, or shall hold, commissions in the militia of this State for the term of seven years consecutively; members of volunteer companies, who have served as such for fourteen years consecutively; members of the Board of Fire Masters; officers and members of any incorporated fire engine company, or incorporated axe company, who shall have done service as such for fourteen consecutive years: *Provided, however,* That there shall not be more than thirteen companies in the city of Charleston at any one time to which the said exemption shall apply, and that none of the said companies shall have more than seventy-five members at any one time; and all persons under the age of eighteen and over the age of forty-five.

Proviso.

Power to grant furloughs.

CXV. The Commander-in-Chief shall have power and authority to grant a furlough or exemption from duty to any officer of the militia of this State, for such time as shall seem to him reasonable. A Major General shall have power to grant a furlough to any officer of his division for a time not exceeding four months in any one year. A Brigadier General shall have power to grant a furlough to any officer of his brigade for a time not exceeding two months in any one year. A Colonel shall have power to grant a furlough to any officer of his regiment for a time not exceeding one month in any one year. But no furlough or leave of absence shall be granted by any officer without good and satisfactory cause.

Duty of master and apprentice.

CXVI. Every person to whom any white male apprentice or servant liable to militia duty shall be bound, shall furnish him, during the time of servitude, with the arms and equipments prescribed by the Act of Congress, and shall compel him, duly armed and equipped, to attend all such drills and musters as he may be

required by law to attend, and in default of his attendance, or deficiency of his arms or equipments, the person to whom he shall be bound shall, on conviction thereof before a court martial, be liable to pay the fine imposed on a private for such delinquency: *Provided*, That if such apprentice or servant, after having been furnished, as aforesaid, and sent to such muster, shall, contrary to the will of the person to whom he is bound, neglect to appear, or shall appear without such arms or equipments, he shall be obliged to serve such person two weeks for every fine so inflicted, in addition to his term of servitude; and if any such apprentice shall embezzle, sell or make away with the arms and equipments furnished as aforesaid, with the intent to defraud the owner thereof, such apprentice or servant shall be liable for their value in a civil action, and shall, also, on conviction thereof, by indictment, be subject to a fine not exceeding fifty dollars, and to imprisonment not exceeding one month.

A. D. 1865.

Proviso.

CXVII. The system of instructions and regulations, as established by proper authority, from time to time, used in the regular army of the United States, shall be observed in the instructions and exercises of the Militia of this State.

System of instructions

CXVIII. The uniform reported by the Adjutant and Inspector General, under the resolution of the General Assembly, passed on the twentieth day of December, Anno Domini one thousand eight hundred and thirty-seven, and the uniform for the general and staff officers of the cavalry of this State, prescribed by him in obedience to a resolution of the General Assembly, passed on the nineteenth day of December, Anno Domini one thousand eight hundred and thirty-eight, and printed in pamphlet, shall be adopted as the uniform and dress of the militia officers of this State; and all officers hereafter elected or appointed, except such company officers as are exempted from uniforming by law, shall conform to the same within the time now allowed by officers to uniform.

Uniform of officers.

CXIX. Any beat company shall have the privilege of adopting a uniform, to be approved by the Colonel, or officer commanding the regiment, and may pass such by-laws, imposing penalties, to be recovered and expended in such manner as may be prescribed by the company; and when a beat company is uniformed, the commissioned officers thereof shall be permitted to adopt and wear the same; but no member of any company shall be compelled to uniform, or be subjected to any penalty imposed by the by-laws unless he shall have assented to and subscribed the same.

Uniform and by-laws of Beat companies.

CXX. If the Governor or Commander-in-Chief, for the time being, receive information from any person in authority in this State, or from any other creditable person, upon oath, that any foreign enemy or armed force intend suddenly to invade the State; or if any dangerous insurrection or rebellion be actually raised within this State, which cannot be suppressed by one company, he may raise as many of the divisions, brigades, regiments, battalions, and companies, within this State, as he shall think sufficient to suppress and repel such invasion, insurrection or rebellion as may happen; and for the more effectual execution thereof he may make and publish an alarm throughout the State, by firing six guns, two at a time, at three minutes interval, or by sending orders and expresses to the

Power of Governor in case of invasion or insurrection.

A. D. 1865.

general officers, field officers, and other officers of the militia, to raise their respective divisions, brigades, regiments, squadrons, battalions, companies, or such part of them as shall be ordered and directed to march and rendezvous at such times and places within the State as the Governor or Commander-in-Chief for the time being shall think fit; and the alarms aforesaid shall be carried on through the whole State by all the commissioned officers of the militia by firing three small arms, at convenient intervals, from place to place, and by speedily raising their several corps, and taking all other proper and effectual measures to give notice of the motion of the enemy, and forwarding with the utmost expedition all necessary information to the Governor or Commander-in-Chief, by putting in execution all such orders as they shall receive from their superior officers.

Alarms to
be made, and
how.

CXXI. That on the sight of an enemy, or on information of an enemy appearing, or mischief done by an enemy from any white person of credit, who has seen the same, (of whose credit the officer to whom information is given shall be a judge), an alarm shall be made by any commissioned officer by firing three small arms; and every alarm shall be carried on by all persons hearing or having knowledge of the same by firing three small arms as distinctly as usual; and the said officer who fired the alarm shall assemble the corps of which he is an officer, by beat of drum, or by ordering them to warn their next neighbor, or otherwise, till the corps can be got together; and the commanding officer of the same shall, with all convenient speed, despatch two expresses, one to the Governor or Commander-in-Chief, and the other to the nearest field officer of the regiment to which the said corps belongs, with an account of the cause of alarm so made; upon which notice the said field officer shall despatch two expresses, one to the Brigadier General of the brigade, and the other to the Major General of the division. The field officer who shall receive the information as aforesaid shall have power to assemble any number of men of the battalion or regiment, as the case may be, to which he belongs, to march to the assistance of any of the inhabitants of the State who are in danger.

Forfeits for
refusing to
communicate
alarms, etc.

CXXII. If any person liable to bear arms shall in time of such alarm neglect or refuse to use his utmost endeavors to convey and communicate the said alarm or notice of the enemy's approach, he shall forfeit and pay a sum not exceeding two hundred and fifty dollars; and in case any such person, after he has received notice of an alarm, does not forthwith repair, completely armed and equipped as aforesaid, with all convenient speed, to the place where the regiment, battalion or company to which he shall belong shall be appointed to rendezvous, every such person shall forfeit a sum not exceeding one hundred dollars; and in case the company to which such person shall belong shall actually engage and fight with the enemy before such person shall appear in the said regiment, battalion or company, in every such case the person not appearing as aforesaid shall forfeit a sum not exceeding two hundred dollars.

Power of
militia officers.

CXXIII. That every commissioned officer in the militia shall have power, where occasion shall require, to assemble, arm and raise any number of men belonging to their respective corps; and, if need be, to give notice and call to their aid the officers and men

of any adjacent corps to disperse, suppress, kill, destroy, apprehend, take or subdue any pirate, sea-rover, or other enemy, who shall, in a hostile manner, hurt, or attempt to hurt, any of the inhabitants of this State in their persons or possessions, or any company of freed-men, or others, who shall be met together for an unlawful purpose, or who shall be lurking in any suspected place where they may do mischief; and in case any person, liable to bear arms, shall, on such occasion, neglect or refuse to appear, upon notice given by order of any commissioned officer of the corps to which such person belongs, or appearing, shall not attend and obey the said officer, for every such neglect or refusal he shall forfeit the sum of ten dollars.

CXXIV. In times of invasion or insurrection, when it shall be found necessary to march the several regiments, squadrons, battalions or companies, or any of them, out of their respective districts, one-fourth, at least, of every company in the State shall remain in their respective Districts, and shall be formed into patrols, under the command of such officers as the commissioned officers of their companies shall appoint, until the rest of the company have returned and be discharged from bearing arms; and the patrol so formed shall be on constant duty, riding patrol and guard the plantations and keep the inhabitants in good order, and place proper guards at convenient places to give notice of danger, and the speedy conveyance of intelligence to the Commander-in-Chief, or any army raised by his command; and in case any person obliged to ride in such patrols shall refuse or neglect to serve in such patrols, or obey the lawful command of the person appointed to command such patrol, he shall forfeit a sum not exceeding seventy-five dollars.

CXXV. That in time of invasion, insurrection, or rebellion, when any person shall receive orders to march out of his District, the Captain, or other commanding officer who shall be present, shall cause the names of all persons who are on the muster-roll of such company (officers excepted) to be written down on small scraps of paper, which shall be folded up, put in a hat and shaken together, and the Clerk or Sergeant shall draw out the names of three-fourths of the said company, and the persons whose names shall be so drawn shall be obliged to march according to the orders of the Commander-in-Chief, and the others shall stay in their respective Districts, and shall do patrol duty, as aforesaid; but no officer of any company shall be excused from marching with his company, unless by special orders from the Commander-in-Chief; and, in that case, such officer so directed to stay shall be commanding officer of that part of the company left for patrol duty. If any person whose name is drawn as aforesaid, and is thereby obliged to march out of his District, can provide an able-bodied man, to be approved by a majority of the officers of the company to which such person belongs, completely armed and furnished, according to the directions of this Act, every such person shall be permitted, and at liberty, so to do; and upon producing and sending out such able-bodied man in his stead, he shall be excused from going out or marching in person; but, nevertheless, shall be obliged to do patrol duty in his District; and in case of disobedience, neglect or refusal to perform such patrol duty, he shall be liable to the penalty not exceeding seventy-five dollars, as aforesaid.

A. D. 1865.

Regiments,
etc., to march
out of their
respective
Districts.

Captain to
make decision
by lot.

Substitutes.

A. D. 1865.

Officers to
impress.

Proviso.

CXXVI. That in time of an alarm occasioned by insurrection, invasion or rebellion, all field officers and Captains of every company are hereby empowered, personally or by their warrants to any inferior officer, to impress any arms, ammunition, provisions, horses, wagons, carts, boats, canoes, petiagua and vessels, with their furniture, or whatever other things they shall want or need, for the service of this State: *Provided*, All such things so impressed be by the said officers brought before three or more impartial freeholders to be appraised and valued before they be disposed of for the public service; and such valuation and appraisement being made, the officer shall give a receipt for the same, if he conveniently can, and the officer is to cause his clerk to enter the same in a book to be kept for that purpose; and the said appraisers shall ascertain any loss or damage that shall happen to the thing so impressed, or allow a competent hire for the same when returned to the owner, as the case shall require, and shall give such appraisement, under their hands, to the owner, directed to the public Treasurers, who shall lay the same before the Legislature; and the commanding officer or Captain of each company, after such alarm is over, and before such company is discharged, shall order so many men as he shall think fit to carry the several things by him impressed to their respective owners, who, upon the re-delivery of the same, shall give a receipt; and such officer is likewise empowered to draw on the public Treasury for so much money as he shall think the carrying of the several things so returned shall deserve; and he shall, also, lodge in some convenient and secure place, for public use, all the provisions and ammunition impressed by him, or by his warrant, that shall remain after the alarm; and he shall keep a particular account thereof.

Militia to serve
in any part of
the State for a
certain time.

Proviso.

CXXVII. The Commander-in-Chief for the time being may, in case of invasion, or other emergency, when he shall judge it necessary, order out any portion of the militia of this State, to march to any part thereof, and to continue in service not more than three months at any one time, and until relieved, for which he shall make timely provision; and likewise may, in consequence of an application of the Executive of any State in the United States, or an invasion or insurrection, or an apprehension of an invasion of such State, at his discretion, order out any number of militia, not exceeding one-third thereof, to such State: *Provided*, That the military which shall be so ordered out of this State shall not be obliged to continue on duty out of the State more than two months at any one time; and while in actual service they shall receive the same pay and rations, and be subject to the same regulations, as the army of the United States: *Provided, nevertheless*, That volunteers and substitutes be allowed in the place of those ordered out; and, also, that any offence committed by a militia officer, non-commissioned officer or private, shall be tried and determined by a court martial of the militia officers of this State, and that it shall be in the power of the commanding officer of the militia or the Governor of this State to mitigate, suspend or pardon any punishment to which any such officer, non-commissioned officer or private may be sentenced by a general court martial.

CXXVIII. Any Major General, Brigadier General, or the com-

manding officer of a regiment, when, and as often as any invasion may happen, may order out the militia under their respective commands, for the defence of this State, giving notice of such invasion, and every circumstance attending the same, as early as possible, to their immediate commanding officer, by whom it shall be transmitted to the Governor or Commander-in-Chief, by express, the expenses of which shall be immediately paid; and that, in case of insurrection, the commanding officer of the regiment or battalion, within whose limits such insurrection may happen, shall immediately assemble his regiment or battalion under arms, and having transmitted information thereof to the commanding officer of the brigade, and to the Major General of the division, and to the Governor or Commander-in-Chief, shall proceed to take such measures to suppress such insurrection as he may deem proper; and if any person be wounded or disabled, while in actual service, in opposing any invasion or insurrection, or in suppressing the same, he shall be taken care of and provided for at the public expense, without regard to his rank.

A. D. 1865.

Power of
Major General
and Brigadier
General.

CXXIX. No civil officer shall, on any pretense, execute any process (unless for treason, felony or breach of the peace) on any person who shall be called out into the service and embodied by the Executive authority of this State, in pursuance of the provisions of this Act, or within thirty days after such person is discharged from such service, under the penalty of twenty dollars; and the service of any such process shall be void; and all suits that may be pending against such person shall stand and be continued over in the same manner as if they had been regularly postponed by affidavit, and the estate of such person, when he shall be so called out and embodied as aforesaid, shall be free and exempt from levy, distress or sale by virtue of any legal process whatever, from the time he shall be called out as aforesaid, and until thirty days shall have elapsed after he shall be discharged from such service; and any person making such levy, distress or sale as aforesaid, shall be fined, on conviction by indictment, in the sum of twenty dollars, and such levy, distress and sale shall be void.

Civil officers
not to execute
process, except
for certain
offenses.

CXXX. If a vacancy occurs in the general office of any brigade, or in the field offices of any regiment, whilst in actual service, such vacancy shall be filled by promotion in regular grade, and not by election; nor shall any election for officers take place in any company while in active service, except to fill the office of Junior Lieutenant; and such election shall be forthwith ordered by the superior officer in command of the company, battalion or regiment in which the vacancy shall occur, and shall be held within twenty-four hours after the issue of such order. All other vacancies shall be filled by promotion of those next in rank in their respective companies.

Vacancies
to be filled by
promotion.

CXXXI. Whenever the militia shall be called into the actual service of this State, by authority of the laws thereof, their pay shall commence from the day of their appearing at the places of battalion, regimental or brigade rendezvous, allowing to each officer, non-commissioned officer, musician or private, a day's pay and rations for every fifteen miles from his home to such place of rendezvous, and the same allowance for traveling home from the place

Pay and rations
of militia.

A. D. 1865.

of his discharge; and whilst in the service aforesaid, the officers, non-commissioned officers, musicians and privates of the infantry, light infantry, riflemen, artillery and cavalry of the militia of this State shall be entitled to the same pay, rations and forage as such regular troops of the United States are entitled to receive.

Rules and regulations.

CXXXII. When the militia, or any part thereof, shall be embodied, and in actual service, in consequence of being so ordered by the Commander-in-Chief, either within or without this State, they shall be subject to the same rules and regulations as the troops of the United States shall be subject to at the time the militia shall be so ordered out, in order to secure, as far as possible, an uniformity of discipline; and the said rules and articles shall be proclaimed, with due solemnity, at the head of such detachment, as soon after their being assembled as possible.

Fine for not appearing when summoned to the rendezvous.

CXXXIII. When a militia-man, in the case specified in the preceding Section, shall have been duly summoned or ordered to appear at the rendezvous, and shall not appear, then, and in that case, he shall be fined in a sum not exceeding five hundred dollars, and the amount of his taxes last paid to the State, at the discretion of a court martial to be composed of the officers of the detachment ordered out, if it be convenient; and if not, of officers of the brigade to which the delinquent shall belong, or of any other officers of the militia of this State, at the discretion of the Commander-in-Chief, who is hereby authorized to order said courts, in conformity with the usage of the army of the United States; and, in addition to the fine which the said court martial may inflict on any person who may subject himself to any of the aforesaid penalties, the said court martial may, at their discretion, sentence any delinquent to imprisonment in the common jail, for a term not exceeding three months: *Provided, always,* That no fine and imprisonment shall be imposed on any delinquent until summoned to appear before a court martial, to show cause why such fine or imprisonment shall not be imposed. And all fines inflicted by virtue of this Section shall be collected by an execution, which the President of the court martial aforesaid shall issue, directed to the Sheriff of this State, designating the delinquent, and the company to which he belongs, and commanding the Sheriff to levy the fine and costs of the lands, tenements, goods and chattels of the delinquent; and if none can be found, or insufficient to satisfy the same, then to take him and commit him to the jail of the District where he resides; and the Sheriff to whom the same shall be delivered shall execute it by levying and collecting the fine and costs, and shall make return thereof within forty days from its lodgment, to the said President; and if the Sheriff be unable to find lands, tenements, goods or chattels, of which to levy the same, then he shall take and commit the said delinquent to the jail, where he shall be kept until the same be paid, or until double the time shall have elapsed for which he would have served had he joined the militia so ordered out; and the Sheriff shall be entitled to the same fees and commissions for collecting such fine, and shall be liable to the same penalties for not levying, collecting such fine, and returning the execution, as hereinbefore prescribed; and all fines arising under this clause shall be paid, when collected, to the Quartermaster of the regiment to which the delinquents respectively belong.

Proviso.

CXXXIV. All musicians, trumpeters, buglers, drummers and fifers attached to or liable to do duty in any company, shall be entitled to the same pay, and be liable to the same fines and penalties, and subject to the same rules and regulations as the militia of this State are liable or subject to.

A. D. 1865.

Pay and liabilities of Musicians.

CXXXV. It shall and may be lawful for the Governor or Commander-in-Chief, for the time being, or the Major General of the division, or the Brigadier General of the brigade in which Charleston is comprehended, or the commanding officers of the Charleston regiments for the time being, to call forth, when necessary, such and so many companies or detachments of companies, to mount guard in the said city, as to them shall respectively appear necessary and proper: *Provided*, That no such guard shall be obliged to continue on duty at any one time, except in case of actual alarm, more than twenty-four hours; and every person summoned to turn out on any guard who shall not obey, or who shall leave his guard, or otherwise misbehave, shall be liable to pay the same fines and forfeitures as such person would be obliged to pay for default of duty for non-attendance or misbehavior at regimental muster.

Guard for the city of Charleston.

Proviso.

CXXXVI. The Commander-in-Chief, for the time being, shall have authority to remove, to some place of safety and deposit, such portion of the arms, ammunition and military stores, at any time in the public arsenals of this State, as circumstances may appear to require; and when necessary, in his opinion, to provide and furnish sufficient guards to protect the public arsenals until it be found expedient to call out into service detachments of the militia, on whom in part the duty may devolve.

Commander-in-Chief to remove military stores to place of safety.

CXXXVII. All persons necessarily going to or returning from musters, drill or courts martial, and all patrols, shall pass over, free of toll or charge, all chartered bridges, ferries and turnpike roads of this State.

CXXXVIII. That no civil officer shall execute any process, arresting and confining the person, or requiring bail or surety, (unless for treason, felony, misdemeanor or breach of the peace,) on any person engaged in the military service required by the laws of this State, or going to or returning from the same, under a penalty of twenty-five dollars, and the service of such process shall be void; all arms and equipments required by law, and horses used in the performance of militia duty, shall be exempt from seizure, distress and execution: *Provided*, Each trooper or mounted officer shall have but one horse exempted: *And provided, also*, That such horse shall be registered with the commander of the corps to which such trooper is attached; and if any person shall seize, distrain or execute such arms, equipments or horse, he shall be liable to a penalty of fifty dollars. The penalties prescribed in this Section to be recovered by indictment.

Execution of process by civil officers.

Proviso.

CXXXIX. All regiments or battalions composed of volunteer companies of infantry, cavalry, artillery or riflemen, are hereby authorized to re-organize, and shall be entitled to all the rights and privileges heretofore allowed them by law; and whenever, in any regiment of infantry, four volunteer companies shall be organized, such companies may form a battalion, attached to such regiment, with one Major, an Adjutant and a Quartermaster, each with the

Regiments and battalions of volunteer companies to re-organize.

A. D. 1865.

rank of First Lieutenant, a Surgeon with the rank of Captain, a Sergeant Major and a Quartermaster Sergeant; and whenever, in any regiment of infantry, eight or more volunteer companies shall be formed, such companies may be organized into a regiment, and have all the officers, field and staff, allowed to a regiment of infantry.

Companies
to retain their
organizations.

CXL. All the companies which have been or may be organized for the police of the State, under the recent proclamation of the Provisional Governor, may retain their organizations as volunteer companies, and shall be attached to the regiment of infantry or cavalry, as the case may be, within the limits of which they may have been raised.

Certain Acts
continued and
declared of
force.

CXLI. All the Acts of the General Assembly relating to the Military Hall in Charleston; all Acts relating to the Fire Guard of Charleston; and special and local Acts relating to volunteer companies; to the limits of regiments or beats, and to the recruiting limits of cavalry, of force on the first day of December, in the year of our Lord one thousand eight hundred and sixty, and all other Acts and parts of Acts relating to the militia, not inconsistent with the provisions of this Act, of force on that day, are hereby continued and declared of force.

CXLII. The requirements of this Act on the subject of uniform shall be inoperative for two years from the day of the passage thereof.

Officers to be
appointed by
Governor.

CXLIII. The Governor and Commander-in-Chief is hereby authorized to appoint the Major Generals, Brigadier Generals, one Colonel of cavalry in each brigade of infantry, to organize and command the mounted companies raised, or that may be raised under the proclamation of the Provisional Governor, and Colonels of infantry, by and with the advice and consent of the Senate, during the present session, for the immediate organization of the militia, and the provisions of this Act for the election of officers shall be applicable only to cases of vacancies hereafter occurring. The officers so appointed shall, under the direction of the Governor, proceed immediately to re-organize the divisions, brigades, regiments and companies of their respective commands.

Commissions
vacated.

Proviso.

CXLIV. The commission of each officer of the militia now in office shall be vacated as soon as his successor shall be commissioned in accordance with this Act: *Provided, nevertheless*, That inasmuch as the First Regiment of Artillery, attached to the Fourth Brigade, Second Division, S. C. M., has never at any time been disorganized, the said First Regiment of Artillery shall be allowed to exist as heretofore, and the respective commission of its field officers shall be and remain in force from the respective date or dates on which they were issued, anything to the contrary in this Act notwithstanding.

Parts of Act
inoperative.

CXLV. So much of this Act as requires previous rank in the militia as one of the qualifications for office shall be inoperative for twelve months after the passage thereof.

In the Senate House, the twenty-first day of September, in the year of our Lord one thousand eight hundred and sixty-five.

W. D. PORTER, President of the Senate.

C. H. SIMONTON, Speaker House of Representatives.

Approved: JAMES L. ORR.

AN ACT TO INCORPORATE THE IRELAND CREEK TIMBER CUTTERS' COMPANY.

A. D. 1865.

No. 4753.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the formation of a corporate company is hereby authorized, for the purpose of clearing and opening the head-waters of the River Ashepoo from Hyrns' Landing to their source, by the lead and way of the Fish Pond and Great Swamp to Ireland Creek, and thence to a point, following the run of the creek, five miles beyond Walterboro, with a view towards rafting timber and other cut wood to market.

Formation
and location.

II. That the stock of the company hereby authorized shall consist of five hundred shares, of one hundred dollars each; but the said company shall be at liberty to enlarge their said capital as, in the progress of their undertaking, they may find necessary, either by additional assessment on the original shares, not to exceed in the whole the sum of ten dollars on each original share, or by new subscriptions of not more than one hundred dollars each; the terms and conditions of which new subscriptions the said company is authorized to prescribe; and it shall be lawful for the said company, from time to time, to invest so much of their capital, or of their profits, as may not be required for immediate use, and until it may be so required, in public stock or stocks of any bank or other incorporated body, and to draw and to apply the dividends, and to sell or transfer, as they shall see fit, any portion of the stock.

Number of
shares and the
amount of
each.

III. That the books for subscription of the stock of the said company, hereby authorized, shall be opened at Charleston, under the direction of Edward Willis, A. R. Chisolm and E. A. Ballagner; and at Walterboro, under the direction of John W. Burbridge, Ashbury Lowry and B. G. Price, as Commissioners; and the books shall be opened in each of the said places on the same day, to wit, first Monday of March, in the year of our Lord one thousand eight hundred and sixty-six, and be kept open at each place for three days thereafter, between the hours of nine o'clock A. M. and two o'clock P. M., notice whereof shall be given, by each set of Commissioners, of the times and places of subscribing, either by advertising in a gazette or other manner, as they may deem best, for at least one month prior to the time for opening said books. Upon the books being opened, individuals may subscribe for as many shares as they see fit, paying to the Commissioners, at the time of subscription, five dollars on each share subscribed for; and the Commissioners shall designate in the books, opposite to the names of the subscribers, the day of subscription, the number of shares subscribed, and the sum of money paid, respectively; and for the sums so paid, the Commissioners shall give receipts to the individuals paying, and, as soon as may be, deposit the money in some bank in the State of South Carolina, subject to the joint check of said Commissioners, or a majority of them, or of a majority of the survivors of them, whose duty it shall be, immediately on the organization of the said company, by the election of a President and Board of Directors, to transfer the same to the credit of the said company.

Commissioners
to open books
of subscription.

IV. That when the books shall be closed on the last day, the

A. D. 1865.

Certificate of
deposit.

Commissioners at Charleston shall transmit to the Commissioners in Walterboro a list of the subscribers, with such designations as are contained in the subscription books, with a certificate appended thereto, to be signed by each Commissioner, that the money is deposited in bank, conformably to this Act, naming the bank, and thereupon the Commissioners in Walterboro, from both the lists of subscribers, shall prepare a general list, and ascertain whether the shares subscribed are equal to the capital prescribed for the company, or greater or less in amount than the said capital. If the number of the shares subscribed shall exceed five hundred, then the shares shall be reduced rateably to that number, except that no subscription of two shares or less shall be reduced. If the number of shares subscribed shall be less than one hundred, the Commissioners in Charleston and Walterboro may keep the books open at those places until the number of one hundred shares shall be subscribed. If the number of shares subscribed shall amount to one hundred, the said company may thereupon be formed, and, when organized, may cause the books to be opened by the Directors, after sixty days' notice of the time and place of subscription, and receive such subscriptions as can be obtained, and may keep open the books until the whole amount of five hundred shares shall have been subscribed.

Shares to be
taken before
organization.

V. That as soon as the number of one hundred shares shall have been subscribed in manner as aforesaid, the company shall be considered as formed, and this Act of incorporation shall attach and become effectual, and the company may take measures for complete organization. To this end the Commissioners in Walterboro shall appoint a convenient time and place for the meeting of stockholders, and shall cause the same to be advertised in the public gazettes for four weeks previous to the day of meeting, at which time and place the subscribers of stock may attend in person, or by proxy; and the meeting having assembled, and a proper registry made of all the subscribers who may be in attendance or by proxy, the Commissioners at Walterboro, or a majority of them attending, shall present a ballot-box, in which the subscribers may vote by ballot for a President and six Directors, to serve for one year, and until a new election be made; and the presiding Commissioners shall count the ballots, declare the election, and make and deliver proper certificates thereof under their hands.

President and
Directors.Regulations
as to votes of
stockholders.

VI. That in the said election, and in all future elections of President and Directors, and in the making, altering and repealing of by-laws, and in determining on measures involving the interests of the company, at any stated or occasional corporate meeting, the votes of the stockholders shall be taken and governed by the scale and regulations following: The owner of one or two shares shall be entitled to one vote; the owner of three or four shares shall be entitled to two votes; the owner of five or six shares shall be entitled to three votes; the owner of seven or eight shares shall be entitled to four votes; the owner of not less than nine nor more than eleven shares, to five votes; the owner of not less than twelve nor more than fifteen shares, to six votes; the owner of not less than sixteen nor more than twenty shares, to seven votes; the owner of not less than twenty-one nor more than twenty-six shares, to eight votes;

the owner of not less than twenty-seven nor more than thirty-three shares, to nine votes; the owner of not less than thirty-four nor more than forty shares, to ten votes; and the owner of shares above forty shall be entitled to one vote for every ten shares above forty. No one but a subscriber shall be capable of being a proxy; and the appointment of a proxy shall be in writing, signed by the stockholder appointing; any person offering to vote as a proxy may be required by any stockholder to swear that he has no interest, directly or indirectly, in the stock on which he offers to vote as proxy; a trustee of stock shall not vote on shares held by him in trust expressed or declared, where the *cestui que trust* holds other shares either in his own name or in the name of another trustee; but the *cestui que trust* may vote on all shares owned by him, whether legally or equitably, according to the scale aforesaid.

A. D. 1865.

Proxies.

VII. That the election for President and Directors shall be made annually, according to the by-laws to be made for the purpose; and in case any vacancy occur in the Board between two periods of general election, a majority of the Board of Directors, at any regular or stated meeting of the Board, may elect by ballot, from the stockholders, a person to fill the vacancy so occurred until the next general election of Directors. But if it happens that the day of annual election of President and Directors shall pass without election, as to all or any of them being effected, the corporation shall not be dissolved or discontinued thereby, but it shall be lawful, on any other day, to hold and to make such election in such manner as may be prescribed by the by-laws of the corporation, subject to the scale and regulations of the sixth Section of this Act.

Annual election of President and Directors.

VIII. That the said company, to be organized as aforesaid, shall be called "The Ireland Creek Timber Cutters' Company," and have perpetual succession of members; may make and have a common seal, and break and alter it at pleasure; may sue and be sued, answer and be answered unto, by their corporate name aforesaid, in all Courts of law and equity, or judicial tribunals in this State, and shall be capable at all times of making and establishing, altering and revoking, all such regulations, rules and by-laws for the government of the company and its direction as they may find necessary and proper for effecting the ends and purposes intended by the association, and contemplated by this Act: *Provided*, Such regulations, rules and by-laws be not repugnant to the Constitution and laws of the State.

Name and rights.

Proviso.

IX. That the said Ireland Creek Timber Cutters' Company shall have power and capacity to purchase, take and hold in fee simple, or for years, to them and their successors, any lands, tenements or hereditaments, they might find necessary for the purpose of procuring timber and other cut wood for the rafting hereinbefore expressed, and in like manner to purchase all private right of way, or make courses that may run into or across the route of the head-waters hereinbefore described; and also, such lands contiguous thereto as may be found necessary for the erection of such buildings as may be convenient for the purposes of the said company; and that the said company shall have power to dig and deepen, so as to make navigable for rafting, the head-waters aforesaid that may be across and over any public road that may be in their route:

Power to purchase.

A. D. 1865.

Proviso.

Provided, That the said company shall, at their own expense, make such provision as that the passage of the public road be not obstructed thereby. That the said company shall have the exclusive right to clear and open, so as to make navigable for rafting, the said head-waters of the River Ashepoo, between the points designated as Hyrn's Landing, on the Ashepoo, and the aforesaid point five miles above the town of Walterboro, and to deepen, by digging the run of the same, as they may find necessary for rafting, and to raft timber and other cut wood on, over and along the same; and are hereby authorized to fix and determine upon such rate of charge against any person or persons, not members of the said company, as they may permit to use the waters aforesaid, so cleared and opened for rafting purposes, as to them shall seem necessary and proper to secure a reasonable and adequate return upon the capital invested.

Letting of
rights.

X. That the said company may, when they see fit, let or farm out all or any part of their exclusive right to the use of the said waters, with their privileges, to any individual or other company, and for such terms as may be agreed upon, subject always to the proviso contained in this Section in relation to the rates of charge; and the said company may use or employ any sections of the said waters on the said route, so cleared and opened, before the whole shall be cleared and opened the entire route designated.

Forfeits for
intrusion.

XI. That if any person or persons shall intrude upon the waters aforesaid, so cleared and opened on any part thereof, by any manner or use thereof for rafting purposes, without the permission, or contrary to the will of the said company, he or she shall forfeit to the company all the material attempted to be rafted, that may be so intrusively introduced and used thereon, and the same may be seized by the company or its agents, or recovered by a suit at law; and, moreover, the person or persons so intruding shall or may be indicted as for a misdemeanor, and, upon conviction, be fined or imprisoned, at the discretion of the Court of Sessions; and if any person or persons shall, willfully and maliciously, in any manner or degree, obstruct the waters aforesaid, after being cleared and opened, such person or persons so offending shall be liable to be indicted as for a misdemeanor therefor, and, upon conviction thereof, shall be imprisoned not more than six months, and be fined not more than five hundred dollars, nor less than twenty dollars, and shall be further liable to pay to the company any damages occasioned by the said obstruction, and all expenses for removing the same. The one-half of all fines that may be imposed under this Act shall go to the informer, and the other half to the company.

Rights.

Proviso.

XII. That the exclusive right to clear, open and use the waters aforesaid, between the points designated as aforesaid, shall vest and continue in the said company for twenty-five years: *Provided*, That the subscription of stock in the said company be filled up to the amount of five hundred shares in three years from the ratification of this Act, and the said opening and clearing of the head-waters aforesaid to commence in one year, and be completed in five years, after the shares shall be subscribed.

XIII. That after the President and Directors shall be elected as aforesaid, it shall always be in the power of the President and

Directors of the company, at a meeting of the Board, a majority being present, to nominate and appoint a Secretary, a Treasurer, and all other officers, agents, and servants that they may deem necessary, or that may be prescribed in the by-laws of the said company, and to remove the same at pleasure; and, also, to require and take, from all the officers, agents and servants, such bond or bonds and security as the Board or by-laws may prescribe, for securing the fidelity, obedience and accountability of the said officers, agents and servants, and the punctual surrender or delivery of all moneys and property, on the termination of their offices by resignation, removal, or expiration of their term.

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Secretary and
Treasurer and
other officers.

XIV. That the President and Directors, by an order signed by the President, shall have power to draw from the bank all such sums of money as may have been deposited by the different sets of Commissioners for the first payment by subscribers upon their subscriptions of stock, as before provided, and shall refund the sums for such shares as may be cancelled and thrown out, upon adjustment of the shares, in case of over-subscriptions, to the subscribers the number of whose shares has been so reduced.

Drawing of
sums of money.

XV. That every subscriber or holder of stock in said company shall pay to the company the amount of shares by him or her subscribed or held, in such instalments, not exceeding five dollars on each share at any one time, and at such periods, with intervals of not less than thirty days, as shall be prescribed and called for by the Directors; of which periods of payment, and the sums required, the Board of Directors shall cause public notice to be given, for at least three weeks previous to such periods of payment, by advertising in one or more of the gazettes published in the city of Charleston, and on the door of the Court House for the District of Colleton; and, on failure of any subscriber or stockholder to pay up any instalments so called for by the Directors, he or she shall be liable to an action for the same, or the shares upon which such default shall be made, together with any past payment thereon, shall be forfeited to the company, and be appropriated as they shall see fit. And the said company shall and may prescribe, in and by their by-laws, rules and regulations, the mode of issuing the evidence of shares of stock, and the manner, terms and conditions of assigning and transferring shares of the stock.

Payment by
instalments.

XVI. That if the said company determine to increase their capital stock by additional assessments on the original shares, as hereinbefore provided, the sum so assessed shall be called for in such instalments at such periods and such notices, and not otherwise, as are provided in the fifteenth Section of this Act; and failure to pay up such assessment shall induce a forfeiture to the company, in like manner as provided in said Section, of the shares of stock on which default shall be made.

Assessments.

XVII. That the President and Directors shall be styled the direction of the company, and shall have power to call for all instalments, declare all dividends of profits, make all contracts and agreements in behalf of the company, and to do and perform all other lawful acts and deeds which, by the by-laws of the corporation, they may be authorized and required to do and perform, and the acts or contracts of the direction, verified by the signatures of the Presi-

Power of Presi-
dent and Di-
rectors.

A. D. 1865.

Proviso.

dent and Secretary, shall be binding on the company without seal. The direction shall not exceed in their contracts the amount of the capital in the company; and in case they do so, the President and Directors, who are present at the meeting when any such contract exceeding the capital shall be made, shall be severally and jointly liable for the excess as well to the contractor as to the company: *Provided*, That any one may discharge himself from such liability by voting against such contract, causing such vote to be recorded in the minutes of the direction, and giving notice thereof to the next meeting of the stockholders. The direction shall keep regular minutes of all their meetings, and of the acts there done, and they shall make a full report of the state of the company and of its affairs to a general meeting of the stockholders at least once in every year, and oftener if so directed by the by-laws; and they shall have power to call a general meeting of the stockholders when they may deem it expedient; and the company may provide in their by-laws for occasional meetings of the stockholders, and prescribe the mode of calling the same.

Certain exemptions.

XVIII. That the said Ireland Creek Timber Cutters' Company shall be, and the same is hereby, exempted from the provisions of the forty-first Section of an Act entitled "An Act to incorporate certain Villages, Societies and Companies, and to renew and amend certain charters heretofore granted, and to establish the principles on which charters of incorporation will hereafter be granted," ratified on the seventeenth day of December, in the year of our Lord one thousand eight hundred and forty-one.

XIX. That this Act shall be deemed a public Act.

In the Senate House, the twenty-first day of December, in the year of our Lord one thousand eight hundred and sixty-five.

W. D. PORTER, President of the Senate.

C. H. SIMONTON, Speaker House of Representatives.

Approved: JAMES L. ORR.

No. 4754. AN ACT TO ORGANIZE THE EXECUTIVE DEPARTMENT OF THIS STATE.

Officers to compose the Executive Department.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the Executive Department of this State is hereby declared to consist of the following officers, that is to say: The Governor and Lieutenant-Governor, the Secretary of State, the Treasurer of the State of South Carolina, and the Attorney General and Solicitors.

THE GOVERNOR OF THE STATE OF SOUTH CAROLINA.

II. The Governor shall be allowed a Private Secretary, to be appointed by him, who shall receive an annual salary, to be fixed by

each General Assembly, and whose duty it shall be, under the direction of the Governor, to keep an accurate record and minute, under proper dates, of all transactions, opinions, and other official matters and acts occurring during his period of office, which said record and minute shall, under certain restrictions, be open to the inspection of the members of the General Assembly. The Governor shall be furnished with a suitable office, to be called the Executive Chamber, in which all petitions, memorials, letters, and all other official papers and documents addressed to or received by him shall be methodically arranged and kept, with proper indexes therefor. He shall keep a record in proper books of all his messages to the General Assembly, of all applications for pardon made to him, of all such pardons as may have been granted by him, and of all communications to the General Assembly relating thereto; of all bills presented to him in obedience to the provision of the Constitution, and of all objections he may make to any of them; of all official communications, proclamations and orders issuing from his office; and of all other matters which the Governor may think it important to preserve. The Governor shall be entitled to receive out of the public Treasury, as a compensation for his services, the sum of thirty-five hundred dollars for each year.

A. D. 1865.

Private Secretary of Governor, duties of.

Duties and salary of Governor.

THE LIEUTENANT-GOVERNOR.

III. The Lieutenant-Governor shall be entitled to receive out of the public Treasury, for his expenses during his attendance on, going to and returning from the General Assembly, ten dollars for each day's attendance, and twenty cents for every mile of the ordinary route of travel between his residence and the Capital, or other place of sitting of the General Assembly, both going and returning.

Compensation for Lieutenant-Governor.

THE SECRETARY OF STATE.

IV. The Secretary of State shall, during the absence of the Governor from Columbia, be placed in charge of the records and papers in the Executive Chamber. He shall, as soon as practicable, collect, deposit and keep in Columbia all the books, records and papers heretofore belonging thereto; and until all the books, records and papers heretofore kept and deposited in Charleston shall be removed to Columbia, under the direction of the General Assembly, he shall keep a deputy in Charleston in charge of the same as heretofore. He shall receive the same salary, discharge the same duties, and be subject to the same liabilities as are now provided by law.

Duties of Secretary of State.

V. That the persons now holding the offices of Commissioners of the Treasury shall continue in office and discharge the same duties heretofore required of them by law, until the expiration of the terms for which they were respectively elected; and that upon the expiration of the term which the person commonly called Treasurer of the Lower Division has been elected, the duties imposed and the rights conferred upon him shall hereafter be imposed upon and vested in the person holding the office commonly called the Treasurer of the Upper Division, until the expiration of the term for which he has been elected, for which

Commissioners of the Treasury.

Treasurer of Lower Division.

A. D. 1865.

Treasurer of
Upper Division.

Treasurer of
the State of
South Carolina,
salary and
duties.

additional duties hereby thrown on him he shall receive the sum of sixteen hundred dollars, including the hire of one or more Clerks each year, besides the sum now allowed to him as Treasurer of the Division lately known as the Upper Division, and shall enter into an additional bond of sixty thousand dollars, with two or more sureties, to be approved by the Governor, conditioned for the faithful performance of the duties of his office; and at the expiration of his term of office, an officer shall be elected, to be called the Treasurer of the State of South Carolina, who shall, before entering on the duties of his office, give bond, with two or more good and sufficient sureties, to be approved by the Governor, with condition for the faithful discharge of his official duties, in which he and his sureties shall be jointly and severally bound to the State of South Carolina in the penal sum of ninety thousand dollars. He shall receive an annual sum of three thousand dollars, including the hire of one or more Clerks, payable quarterly. It shall be the duty of the Treasurer, as soon as may be practicable, to collect, deposit and keep all the records, books and papers heretofore belonging to the Treasurer of the Upper Division and to the Treasurer of the Lower Division in his office at Columbia; to receive all the assets and other property of the State in the possession, power, custody or control of the said Treasurers of the Upper and Lower Divisions, and to give proper acquittances therefor. All payments made by the Treasurer shall be either directly by the Treasurer or by draft or check upon the Bank of the State of South Carolina, or its branches, or any depository of the Treasury. He shall discharge all the duties, and be subject to all the liabilities, heretofore provided by law for the Treasurers of the Upper and Lower Divisions.

THE ATTORNEY GENERAL AND SOLICITORS.

Duties of At-
torney General
and Solicitors.

VI. The Attorney General and Solicitors of the several Circuits shall continue to be appointed in the same manner, for the same terms of office, shall discharge the same duties, and be subject to the same liabilities as already provided by law.

In the Senate House, the twenty-first day of December, in the year of our Lord one thousand eight hundred and sixty-five.

W. D. PORTER, President of the Senate.

C. H. SIMONTON, Speaker House of Representatives.

Approved: JAMES L. ORR.

No. 4755. AN ACT TO AMEND THE CHARTER OF THE CHARLESTON GAS LIGHT COMPANY.

Be it enacted by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That so much of the thirteenth Section of an Act entitled

"An Act to incorporate certain societies, associations and companies, and to renew and amend the charters of others," passed the twenty-first day of December, one thousand eight hundred and fifty-seven, as provides that the Charleston Gas Light Company "shall not charge more than four dollars per thousand feet for gas," be repealed for one year.

A. D. 1857.

Repeal.

In the Senate House, the twenty-first day of December, in the year of our Lord one thousand eight hundred and sixty-five.

WILLIAM D. PORTER, President of the Senate.

C. H. SIMONTON, Speaker House of Representatives.

Approved: JAMES L. ORR.

AN ACT TO ESTABLISH CERTAIN ROADS, BRIDGES AND FERRIES. No. 4756.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the Commissioners of Roads for the Parish of St. John's Berkeley, and for Marlboro District, be, and they are hereby, authorized to permit gates to be erected across the public roads of the said Parish and District, in accordance with the provisions of an Act entitled "An Act to release the inhabitants of certain islands on the sea-coast from the operation of the road laws in certain cases," ratified on the twentieth day of December, Anno Domini one thousand eight hundred and twenty-one.

Authority to
erect gates.

II. That the ferry across Santee River, known as Nelson's Ferry, be, and the same is hereby, re-chartered for the term of one year, and vested in Augustus Fludd, his heirs and assigns, with the same rate of toll heretofore allowed by law.

Nelson's
Ferry.

III. That the ferry on the Edisto River, formerly known as Sullivan's Ferry, is hereby re-chartered for the term of seven years, and vested in Nicholas W. Beech, his heirs and assigns, with the same rates of toll as are now allowed at Givhan's Ferry.

Sullivan's
Ferry.

IV. That the Commissioners of Roads for St. James', Goose Creek, be, and they are hereby, authorized to erect a toll gate at ten-mile hill, or some other place on the State road, below the Goose Creek Bridge, for the purpose of raising the means to rebuild and repair the bridges on the said road within the limits of said Parish—rates of toll not to exceed the following, to wit: For each wagon drawn by six horses, seventy-five cents; by five horses, sixty-five cents; four horses, fifty cents; three horses, forty cents; two horses, twenty-five cents; for each pleasure carriage, forty cents; two-horse buggies, thirty cents; one-horse, twenty cents; each cart or sulky, fifteen cents; man and horse, ten cents; led or drove horse, five cents; each head of cattle, five cents; and for each head of hogs, sheep or goats, three cents; and it shall be the duty of said Commissioners to make a report of their receipts and expenditures, annually, to the Fall Term of the Court of Common Pleas and General Sessions of the District.

Toll gates and
rates of toll.

A. D. 1865.

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 Binnaker's  
 Bridge, rates of  
 toll at.

V. That John A. Laffitte, be, and he is hereby, authorized to rebuild Binnaker's Bridge, across Edisto River, and to charge the following rates of toll, to wit: Each wagon drawn by six horses, seventy-five cents; by five horses, sixty cents; four horses, fifty cents; three horses, forty cents; two horses, twenty-five cents; for each pleasure carriage, forty cents; two-horse buggy, thirty cents; one-horse, twenty cents; each sulky or cart, fifteen cents; man and horse, ten cents; foot passengers, five cents; drove or led horses, five cents; each head of cattle, five cents; and for each head of hogs, sheep or goats, three cents; upon the condition that he shall surrender the said Bridge to the Commissioners of Roads for the District of Barnwell and Orangeburg, whenever they shall require him to do so: *Provided*, The said Commissioners pay to the said Laffitte a fair compensation for the same, and that the said compensation be fixed by two disinterested persons.

Proviso.

Ferry estab-  
 lished.

VI. That a ferry across Congaree River, at the site of the old Columbia Ferry, be, and is hereby, established, and vested in James S. Guignard, his heirs and assigns, for the term of five years, with the following rates of toll, to wit: For each wagon drawn by six horses or mules, one dollar; by five horses or mules, ninety cents; by four, eighty cents; by two, forty cents; by one, twenty cents; for each pleasure carriage drawn by two horses or mules, sixty cents; for each two-horse buggy, fifty cents; one-horse buggy, thirty cents; each sulky or cart, twenty cents; each man and horse, fifteen cents; led or drove horses, mules or cattle, ten cents each; hogs, sheep and goats, three cents each; and for each foot passenger, five cents; and the said James S. Guignard shall be allowed the right of way to his Ferry through the lands of the estate of John O. Kinsler, on the eastern bank of the river, where the road now passes: *Provided*, That the said James S. Guignard shall be required to keep and use a substantial rope for crossing his flats at the place where his present main rope is now located: *And provided, also*, That only one toll shall be exacted for crossing said Ferry and re-crossing within twenty-four hours.

Proviso.

Certain persons  
 to establish a  
 ferry.

VII. That a Ferry across Congaree River, at the city of Columbia, is hereby established, and vested in William Kinsler, Edward Kinsler and H. O. Kinsler, their heirs and assigns, for the term of five years, with the same rates of toll allowed to James S. Guignard, at his Ferry; and they shall be permitted to have the right of way to their Ferry through the lands of the said James S. Guignard, on the western bank of the river: *Provided, however*, That the said William Kinsler, Edward Kinsler and H. O. Kinsler shall not be permitted to land their flats within less than one hundred feet of the main rope now used by the said James S. Guignard, as at present located: *And provided, also*, That they be required to use a substantial rope for crossing their flats: *And provided, further*, That only one toll shall be exacted for crossing said Ferry and re-crossing within twenty-four hours.

Proviso.

Knight's  
 Bridge.

VIII. That the bridge across Saluda River, known as Knight's Bridge, be, and the same is hereby, re-chartered for the term of seven years, and vested in John Knight, his heirs and assigns, with the same rates of toll heretofore allowed by law.

IX. That the bridge across Tugaloo River, known as Jarrett's Bridge, be, and the same is hereby, re-chartered for the term of seven years, and vested in Charles K. Jarrett, his heirs and assigns, with the following rates of toll, to wit: For each stage coach drawn by four horses, one dollar; each carriage or coach with two horses, fifty cents; with one horse, twenty-five cents; each wagon with six horses, sixty cents; with five horses, fifty-five cents; with four horses, fifty cents; three horses, forty-five cents; two horses, forty cents; one horse, twenty-five cents; for each ox cart, thirty cents; each spring wagon with two horses, fifty cents; each man and horse, ten cents; for led or drove horses, mules or cattle, each, five cents; hogs or sheep, each, three cents; and for each foot passenger, five cents.

A. D. 1865.  
Jarrett's  
Bridge.

X. That the ferry across Saluda River, known as Neeley's Ferry, be, and the same is hereby, re-chartered for the term of seven years, and vested in John S. Puckett and John Cunningham, their heirs and assigns, with the same rates of toll heretofore allowed by law: *Provided*, That George Anderson, his family, wagons and servants, shall be at all times allowed to cross said ferry free of toll.

Neeley's Fer-  
ry.

XI. It shall be regarded as an essential condition in the case of each ferry and bridge hereby chartered, or re-chartered, that transportation be furnished over them at such times as may be required, every day, from sun rise until twelve o'clock P. M.

Hours of trans-  
portation.

XII. That the several Boards of Commissioners of Roads, for the respective Districts and Parishes in this State, as existing or appointed at the session of the General Assembly for December, Anno Domini one thousand eight hundred and sixty-three, shall continue in office, and have legal existence as such, until the end of the next regular session of the Legislature of this State.

Limit of ex-  
istence of cer-  
tain Boards.

In the Senate House, the twenty-first day of December, in the year of our Lord one thousand eight hundred and sixty-five.

W. D. PORTER, President of the Senate.

C. H. SIMONTON, Speaker House of Representatives.

Approved: JAMES L. ORR.

AN ACT TO PROVIDE A MODE BY WHICH TO PERPETUATE TESTIMONY IN RELATION TO DEEDS, WILLS, CHOSSES IN ACTION, OTHER PAPERS AND RECORDS DESTROYED OR LOST DURING THE RECENT WAR. No. 4757.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That whenever, hereafter, in any suit which shall be pending in any Court of this State, it shall be necessary, for the maintenance of the action or defense, that proof shall be adduced of the contents of any document, whether the same be a deed, will, chose in action, or other private writing, or a public record, or of

Secondary  
proof.

A. D. 1865.

any other nature whatever, proper to be proven, and it shall be proven, (by the affidavit of the party, in case he be unable otherwise to make the proof,) that such document was in existence and in the possession of any person during the recent war, and cannot now be found, it shall be presumed that such document was destroyed or lost by reason of the existence of the war; and if such presumption shall not be rebutted to the satisfaction of the Court, the party needing the proof of the contents of such document shall, without further proof of loss, be at liberty to introduce secondary evidence of such contents; and for this purpose recitals in other deeds or writings, proven or acknowledged to be genuine, whether between the same parties or not, and statements in the record of any suit in any of the Courts, produced from the proper place of custody, or in the printed volumes of State reports, published by authority of the General Assembly, although such statements be in cases not between the parties to the suit in which the evidence offered, or those under whom they claim, shall be admissible for the consideration of the Court or jury having jurisdiction of the issues of fact: *Provided, however,* That in every such case the party tendering such evidence shall have first made in open Court, or before some Judge of the Superior or Inferior Courts of this State, or some Commissioner residing out of the State, duly qualified to take affidavits to be used within the State, an affidavit that the said document is not in his possession or power to produce, and, so far as he knows, is not in existence, and that he verily believes that the same was in fact destroyed or carried away, or in some other way lost or destroyed, and shall also produce, in open Court, an affidavit, made by the person in whose possession the party tendering shall swear such document was when he last knew of it, unless the party tendering was himself the last person in possession, that the same was in fact destroyed or carried away, if he knows it to be so, or if, without positive knowledge, that he believes it to be so, and setting forth the facts and circumstances which induce such belief, if such person is other than the said party in Court tendering the secondary evidence of contents, and is alive and within the State.

Proviso.

Plaintiffs to  
substitute new  
records.

II. The plaintiff or plaintiffs, or any of them, in any judgment or decree, the record whereof has been destroyed or abstracted, or lost during the recent war, or his personal representative, or other person claiming under or through him, or any person whatever having interest in the preservation of the evidence of such judgment or decree, may, upon notice, of not less than ten days, served personally upon the defendant (or defendants, if more than one,) therein, or those upon whom his, her or their liability thereunder has devolved, or others interested to oppose the application, made application to the Court in which such judgment or decree was rendered, for leave to substitute a new record, and if, upon hearing the evidence on each side, the Court is satisfied of the existence and loss of such record, an order for leave to substitute shall be made, ascertaining as near as possible the names of all the original parties and the plaintiff's attorney, the date of the signing of the judgment or filing of the decree, (and if in Equity, an enrolled money decree in Equity, then also the date



of the enrollment,) the amount of the recovery, the sum bearing interest, and the date from which interest began to run, the balance actually due at the date of destruction or abstraction, and the date of the entry of the original process, and also of the last process issued for the execution of such judgment. The Clerk of the Court of Common Pleas, the Register in Equity and the Ordinary in each of the Districts of this State, in which the public records in the custody of such officer were destroyed or carried away, or in any other way lost, shall, at the expense of the funds in the hands of the Commissioners of Public Buildings for his District, procure a book or books of proper size, and suitably ruled and securely bound, to be labelled "Abstracts of Lost Judgments and Decrees," or, "Of Lost Decrees," as the case may be, in which he shall enter an abstract of every such judgment or decree, a new record of which shall be so ordered to be substituted, setting out in distinct and appropriate columns all the particulars hereinbefore required to be ascertained by the order of the Court, and such entry shall, without other or further record, be good and sufficient in law for all purposes for which the original record itself could have been used, and of equal authority therewith in all respects. In any case provided for in this and in the preceding Section of this Act, if the plaintiff, or in case of his death, his personal representative, shall make oath, according to the best of his knowledge and belief, that a discovery from the defendant is the only means by which such lost or destroyed record or document can be established, and also of the former existence and of the loss or destruction of such record or other document, he may, if the defendant, or either of them, if more than one, be living, and be within the limits of the State, call upon such defendant to answer, on oath, as to the former existence of such record or other document, and as to its contents, character and description, and also as to the amount due thereon. And in case such defendant, after at least ten days' personal notice, (if he be within the District when such proceeding is had, and twenty days' notice in case he is not,) shall fail to answer, upon oath, the interrogatories so propounded, such failure to answer (unless satisfactorily explained or accounted for,) shall be taken and considered as an admission by such defendant of the truth of the facts stated and set forth in the plaintiff's affidavit: *Provided*; That such admission shall only affect the party so failing to answer as aforesaid and his legal representatives. If such defendant shall deny, on oath, the former existence of such record or other document, so attempted to be set up, or shall deny, on oath, that there is anything due thereon to such plaintiff, or his legal representative, or shall deny any other material fact alleged in the plaintiff's affidavit, the answer of the defendant, together with the affidavit of the plaintiff, shall be considered as evidence in the case, and shall, with such other testimony as the parties on both sides may offer, be submitted to the Court: *Provided*, That no costs shall be taxed against the defendant for the interrogatories which may be propounded to him under the provisions of this Act.

III. That for the purpose of preserving such secondary evidence as may now be in existence of the past existence, loss and contents, or any of them, of such documents as have been destroyed or lost

A. D. 1865.

Duties of  
Clerk of Court  
of Common  
Pleas and of  
other officers.

Defendant to  
furnish evi-  
dence.

Proviso.

Duties of At-  
torney General  
and Solicitors.

A. D. 1865.

during the recent war, the Attorney-General and Solicitor shall, in every District in their respective circuits, file "a bill to perpetuate testimony," in which shall be set forth the fact that many documents, such as deeds, wills, choses in action, and other private writings, and also public records and others of any nature whatever, have been lost or destroyed during the recent war, and that the proof of their past existence, loss and contents, rests in the memory of witnesses upon whose death the testimony will be wholly lost. And that such proof may be taken and perpetuated, the bill shall pray that an order may issue permitting all persons entitled by reason of loss of documents under such circumstances, and desiring to do so, to come before the Court and have taken and perpetuated all evidence which they shall produce.

Master or  
Commissioner  
to make order.

IV. That in the filing of such bill, the Master or Commissioner shall make an order, in conformity with the prayer thereof, which shall be published by being posted on the Court House door and printed in one newspaper, if any such there be in the District, once a week for two months; and if there be no paper published in the District, then in Charleston or Columbia.

Evidence for  
preservation.

V. Upon the filing of such bill, any person or persons interested in preserving the evidence of the contents of any such document, and desiring to do so, may apply by writing, under oath, to the Master or Commissioner for leave so to do, setting forth with reasonable certainty a description of the document, of the past existence, loss and contents of which he proposes to offer evidence for preservation, and stating the fact of the destruction or loss, positively, or at least that he verily so believes, and also stating whether or not there are other persons having like or opposite interest with him in the matter to be testified to, and what the interest of such person is; and if there be any such, the said Master or Commissioner shall issue a *subpoena ad respondendum*, directed to the said parties, to appear and cross-examine the evidence which may be produced, and to introduce evidence in reply; and if the applicant shall desire a discovery from any party interested, he shall, on making oath, as in bills of discovery, be permitted to send with the subpoena interrogatories, which shall be answered as in bills for discovery. And whether or not there shall appear to be other parties, besides the applicant, who are interested, the Master or Commissioner shall publish the notice of application for three months in the same manner as now prescribed for notices to absent defendants in Equity, and all parties who may think themselves interested may come in as if they had been served with subpoena.

Master or  
Commissioner  
to take evi-  
dence.

VI. At the expiration of the said three months, the Master or Commissioner shall proceed to take the evidence, if the party making application therein asks for leave to have evidence of the true location of one or more tracts of land taken for preservation. The Master or Commissioner shall have authority to issue a rule of survey to a Deputy Surveyor, to be selected by himself for that purpose, to whom all the papers and other evidence of location shall be furnished by the party or parties in interest, and who shall return his plats, duly certified, to the Master or Commissioner issuing the order, on or before a day to be therein fixed by him.

VII. The evidence so taken shall be preserved and the parties may have the same recorded in the offices of the Register of Mesne Conveyances and the Secretary of State, and (if it relates to records of any Court) in that Court in which the lost or destroyed record which it proposes to prove was made.

A.D. 1865.  
Recording of  
evidence.

VIII. The evidence so taken, perpetuated and recorded, shall be received in all Courts, subject to the same rules, as to competency and credibility, as any other evidence, except as hereinbefore provided.

IX. For performing the duty assigned them, the Attorney-General and Solicitors shall receive twenty dollars for each bill, and the Masters and Commissioners the usual fees for filing the bill and making and publishing the general notice thereof, and the printer the usual fees for printing the same; all of which shall be paid by the State Treasurer on the certificate of any Chancellor. The costs of all other proceedings shall be paid by the parties who seek the relief preferred by the bill, except that in cases in which there is a conflict of interest, the Chancellor shall decide which party shall pay them.

Fees of At-  
torney General  
and Solicitors.

X. The bills shall remain on the docket for five years, unless the General Assembly shall sooner order them stricken off, during all which time all persons may come in and seek the relief intended.

Bills to re-  
main on the  
docket.

XI. That no law now in force, or which may be passed at this session of the General Assembly, of the character of a stay law, or law prohibiting suits in Court, shall be held as applying to or affecting the provisions of this Act: *Provided*, This Section shall not be construed to authorize the collection of any debt or money contrary to the provisions of any stay law now in force or hereafter enacted.

Laws not to  
apply to this  
Act.

XII. Nothing herein contained shall prevent any one from establishing, on the trial of any cause, any lost paper, according to the rules of evidence now existing.

In the Senate House, the twenty-first day of December, in the year of our Lord one thousand eight hundred and sixty-five.

W. D. PORTER, President of the Senate.

C. H. SIMONTON, Speaker House of Representatives.

Approved: JAMES L. ORR.

AN ACT TO PROVIDE FOR THE APPOINTMENT BY THIS STATE OF ELECTORS OF PRESIDENT AND VICE-PRESIDENT OF THE UNITED STATES.

No. 4758.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That hereafter the election of Electors for the offices of President and Vice-President of the United States shall be made in this State by the people of the State; and all persons who are qualified by the Constitution and laws of the State to vote for members of the General Assembly, shall be entitled to vote for Electors of President and Vice-President of the United States.

People to  
vote for Elect-  
ors.



A. D. 1865.

Duty of Governor.

II. That at least one month before the day fixed by the laws of the United States for the holding of such elections, the Governor of the State shall issue his proclamation directing the Managers of Elections throughout the State to open polls at their respective precincts for the election of the number of Electors to which the State shall at the time be entitled.

Duties of the Managers of Elections.

III. That the Managers of Elections, throughout the State, shall give public notice of such election at least fifteen days previous to the day appointed for the holding of the same, and on such day shall open polls at their respective precincts, commencing and closing the polls at the same hours, and conducting the election in the same manner, as directed by law for the election of members of the General Assembly. On closing the polls, the Managers at each precinct shall immediately proceed to count the votes polled, and shall make out and sign a certificate showing the number of votes polled and the number polled for each person voted for as an Elector; which certificate, together with a list of the voters, shall be carried by one of the Managers of each precinct and reported to the general meeting of the Managers of the District, which shall be held, on the day following, at the Court House of the District, between the hours of twelve M. and four P. M. And the Managers so assembled in general meeting shall, after examining the several returns, prepare a tabular statement, showing the number of votes polled at each precinct, and the number polled for each person voted for as Electors; which statement shall be certified under the hands of said Managers; and after being carefully sealed in an envelop and properly endorsed, shall be forwarded to the Secretary of State by a messenger for that purpose, to be chosen by the Managers, who shall be sworn to deliver, and shall deliver the same, with the seals unbroken, to the Secretary of State, at his office in Columbia, within the seven days next ensuing the day of said election: *Provided*, That in the Election Districts of Berkeley and Beaufort, Managers shall meet at the Court House, at twelve o'clock M., the second day after the election, and count the votes, and in other respects conform to the requirements of this Section.

Duties of Secretary of State

IV. That on the Tuesday ensuing the day of said election, the Secretary of State shall deliver the packages covering said certificates to the Governor, and shall, in his presence, open the same, and proceed to make a general aggregate of the votes polled throughout the State. And it shall be the duty of the Governor, immediately on his ascertaining the result of such election, to issue his proclamation, declaring the persons elected as Electors, and calling them to assemble at Columbia, on the first Wednesday in December next ensuing, (or on such other day as may be fixed by the laws of the United States,) for the purpose of voting for the offices of President and Vice-President of the United States. Should it appear, on making an aggregate of the returns from the several Districts, that a greater number of persons than the number to be elected have received the greatest and an equal number of votes, the election, as between the persons so having an equal number of votes, shall be determined by lot, to be drawn by the Secretary of State, in the presence of, and by direction of the Governor, and the person or persons so chosen by lot shall be by the Governor proclaimed as duly elected.

V. That no Member of the Congress of the United States, nor any person holding an office of profit or trust, civil or military, under the Government of the United States, shall be eligible to the office of an Elector; nor shall any one be so eligible who is not a citizen and resident of the State, and himself a qualified voter in such election, according to the Constitution and laws of the State.

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Officers that  
are not eligible  
as electors.

VI. That on the first Wednesday in December next ensuing the election, the Electors shall be present at Columbia, and shall each, by or before the hour of ten o'clock A. M. of that day, inform the Governor that he is present for the purpose of performing his duties as an Elector. And it shall be the duty of the Governor to appoint an hour of said day, not later than twelve o'clock M., and a place for the meeting of the Electors, and to give information thereof to each Elector who shall have reported himself present. At the hour and place so appointed, it shall be the duty of the Electors to assemble, and when assembled, to vote for President and Vice-President of the United States, and to make returns thereof, agreeably to the laws of the United States in such case made and provided. In case of the failure of any Elector to attend, by reason of death or otherwise, or in case it should appear that any Elector present is disqualified to act, (of which fact the other Electors present shall judge,) the Electors present shall proceed to elect by ballot, in his stead, some other qualified person, whose attendance may be at once procured, and the person so chosen shall meet with the other Electors and discharge all the duties required of him as an Elector.

Duties of  
Electors.

VII. That the Managers of Elections shall, for neglect of duty or improper conduct in the holding of such elections for Electors, be liable to the same penalties and forfeitures as are or may be provided by law for regulating the general elections in the State. And the Secretary of State, for neglect of the duties herein required of him, shall be subject to a fine of not exceeding one thousand dollars, to be recovered by indictment. And the messenger appointed by the Managers in any District to carry the return of said District to the Secretary of State, shall, for neglect of said duty, be subject to a fine of not less than two hundred dollars, nor more than five hundred dollars, to be recovered in like manner.

Liability of  
Managers of  
Elections and  
Secretary of  
State.

VIII. That the persons attending as Electors, and the messengers who shall carry the District returns to the Secretary of State, shall be entitled to receive the same per diem and mileage allowed to the members of the General Assembly for the number of days and the distance necessarily occupied in going to and returning from Columbia; and it shall be the duty of the Secretary of State to ascertain the amount due to each, and to certify pay-bills therefor, which shall be paid out of any moneys in the public Treasury not otherwise appropriated.

Pay of Electors and Messengers.

IX. That all laws having reference to the election of Electors of President and Vice President of the United States contrary to the provisions of this Act be, and the same are hereby, repealed.

Laws repealed.

In the Senate House, the twenty-first day of December, in the year of our Lord one thousand eight hundred and sixty-five.

W. D. PORTER, President of the Senate.

C. H. SIMONTON, Speaker House of Representatives.

Approved: JAMES L. ORR.

A.D. 1865.

## AN ACT TO PROVIDE FOR THE DRAWING OF JURIES IN CERTAIN CASES.

No. 4759.

Juries to be drawn.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That whenever it has happened in any District that juries have not been drawn for the term of the Court of Common Pleas and General Sessions next thereafter ensuing, it shall be the duty of the Clerk and Sheriff of the said Court to call in a Magistrate of the District, who shall open and preside at a special Court for the District, at which juries shall be drawn for the next regular term of the said Court, as might have been done at a regular term.

In case of destruction of jury box.

II. That if, by reason of the destruction of a jury-box, or from any other cause, it shall become necessary, the Clerk and Sheriff shall, before holding such special Court, provide a new jury-box, the expense of which shall be defrayed by the Commissioners of Public Buildings for the District, and shall obtain a copy of the Tax Collector's return, and if no copy can be had they shall procure a list of tax-payers of the District, and from such return or list make the proper jury tickets, which shall be put into the jury-box in presence of the Magistrate, and from them the juries be drawn.

Entries to be made.

III. The Clerk shall, in every case, make in the Journals proper entries of all that may be done, and the key of the jury-box shall be enclosed in a sealed envelop, certified by the name of the Magistrate written thereon in his own handwriting.

Duties of Tax Collectors.

IV. The Tax Collectors in each Judicial District of the State shall, immediately after they have completed their first tax-return hereafter taken, furnish to the Clerk of the Court a copy of said return, and at the first sitting of the Court after such copy furnished, the Judges of the Court of Common Pleas and General Sessions shall cause the proper jury tickets to be made from said return, and the juries to be drawn therefrom in manner as now directed by law.

In the Senate House, the nineteenth day of December, in the year of our Lord one thousand eight hundred and sixty-five.

W. D. PORTER, President of the Senate.

C. H. SIMONTON, Speaker House of Representatives.

Approved: JAMES L. ORR.

No. 4760.

## AN ACT TO REGULATE THE DISTILLATION OF SPIRITUOUS LIQUORS.

Distilling without license

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That hereafter it shall be unlawful for any person in this State to be engaged in the distillation of spirituous liquors from or out of any grain or other substance, except raw sorghum and the ordinary fruits in their season, without a license therefor from the



Commissioners of Public Buildings of the District in which such person shall be so engaged.

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II. That before the license hereinbefore mentioned shall be granted, the person or persons applying for the same shall pay into the hands of the Commissioners of Public Buildings of the District in which such application shall be made the sum of two hundred dollars on and for each and every still or other apparatus used in the distillation of spirituous liquors, except from fruits, as aforesaid, which license shall not be granted for a longer period than twelve months.

Amount paid  
for and limit of  
license.

III. That a violation of any of the provisions contained in this Act shall subject the person so offending to indictment as for a high misdemeanor, and, upon conviction thereof, such person shall be fined in a sum not less than five hundred nor more than two thousand dollars, and imprisoned not less than three months nor more than two years; two hundred and fifty dollars of which fine shall go to the prosecutor, who shall be a competent witness on behalf of the State.

Punishment  
for violation of  
Act.

In the Senate House, the twenty-first day of December, in the year of our Lord one thousand eight hundred and sixty-five.

W. D. PORTER, President of the Senate.

C. H. SIMONTON, Speaker House of Representatives.

Approved: JAMES L. ORR.

AN ACT TO PROVIDE FOR THE ELECTION OF TAX COLLECTORS FOR THE DISTRICTS OF DARLINGTON AND CHESTERFIELD. No. 4761.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That elections be, and the same are hereby, ordered to be held at the various election precincts in the Districts of Darlington and Chesterfield on the first Monday, being the first day, of January, in the year of our Lord one thousand eight hundred and sixty-six, for Tax Collectors for said Districts, and that the said elections shall be conducted in manner and form as now prescribed by law.

Elections or-  
dered.

II. That the Clerks of the Court of Common Pleas and General Sessions for the said Districts be, and they are hereby, required to issue the necessary writs of election.

Writs to be  
issued.

III. That in future the election for Tax Collectors of said Districts shall be held at the time now appointed by law.

Time of elec-  
tion.

In the Senate House, the twenty-first day of December, in the year of our Lord one thousand eight hundred and sixty-five.

W. D. PORTER, President of the Senate.

C. H. SIMONTON, Speaker House of Representatives.

Approved: JAMES L. ORR.

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## AN ACT TO CHANGE THE TIME FOR HOLDING THE ELECTION FOR SHERIFF OF WILLIAMSBURG DISTRICT.

No. 4762.

Time of election.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That an election for Sheriff of Williamsburg District shall be held on the third Wednesday in October next, and on the same day in every fourth year thereafter, except when a vacancy shall occur by the death, resignation, or otherwise, of any person holding such office during the term for which he was elected, in which event the Clerk of the Court of Common Pleas shall advertise an election to fill such vacancy at the Court House door, at five other public places in the District, at least, and in a gazette, if any such be printed in the District, giving thirty days' notice of the time of such election, and specifying any Wednesday succeeding the expiration of thirty, and before the expiration of sixty, days as the day of election; and he shall also issue a notice, to be served by the acting Sheriff, to the several sets of Managers of Elections in the District to attend at their respective polls on the day appointed, who shall so attend and conduct the election in the manner hereinafter prescribed.

Conducting elections.

II. That the elections provided for in this Act shall be conducted according to the laws now in force regulating the manner of holding an election for Sheriff.

In the Senate House, the twenty-first day of December, in the year of our Lord one thousand eight hundred and sixty-five.

W. D. PORTER, President of the Senate.

C. H. SIMONTON, Speaker House of Representatives.

Approved: JAMES L. ORR.

No. 4763. AN ACT TO EXTEND TO THE CAMDEN BRIDGE COMPANY THE TIME WITHIN WHICH TO REBUILD THEIR BRIDGE.

Amendment.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the provision of an Act entitled "An Act to vest in proprietors of any bridge which may be destroyed by freshets or otherwise, a right of ferry during the time the bridge is rebuilding," passed December seventeenth, one thousand eight hundred and thirty-one, which limits the time within which a bridge shall be rebuilt, be amended so as to allow to the "Camden Bridge Company" the period of two years from the time of the destruction of their bridge within which to begin the rebuilding of the same, and the period of two years from the time of beginning within which to complete the same.

Rights and liabilities.

II. That during the period within which the said company shall continue the ferry which they have established or may establish under the provisions of the aforesaid Act, the said company shall

be liable as common carriers, and shall be entitled to all the rights and privileges, and be subject to all the liabilities, declared by the terms of the aforesaid Act.

A. D. 1865.

In the Senate House, the twenty-first day of December, in the year of our Lord one thousand eight hundred and sixty-five.

W. D. PORTER, President of the Senate.

C. H. SIMONTON, Speaker House of Representatives.

Approved: JAMES L. ORR.

AN ACT TO AMEND AN ACT TO INCORPORATE THE ELMORE No. 4764.  
MUTUAL INSURANCE COMPANY, TO BE LOCATED IN THE  
CITY OF CHARLESTON.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the ninth Section of the Act to incorporate the Elmore Mutual Insurance Company, to be located in the city of Charleston, ratified on the twenty-second day of December, Anno Domini one thousand eight hundred and fifty-nine, be, and the same is hereby, repealed.

II. The said company shall be authorized and empowered, with its present capital or assets, to continue business and take insurance risks according to the powers, privileges and rights conferred upon it by the Act of incorporation: *Provided*, That no dividends shall be declared until the original capital of two hundred and fifty thousand dollars of the said company shall have been made good.

Proviso.

III. The President and Directors shall be, and they are, authorized and empowered to call for and collect from each stockholder one or more assessments on each share of the capital stock, not exceeding, in the aggregate, the amount of ten dollars per share, and to compel the payment of the same by forfeiture and sale of the stock or otherwise: *Provided, however*, That one month's notice be given in one or more of the newspapers of the city of Charleston of such assessment or assessments, and that the same shall have been sanctioned or approved at a meeting of the stockholders: *And further provided*, That when the original amount of the capital of said company shall have been restored, then the aforesaid ninth Section of the Act incorporating said company shall be, and is hereby, revived and continued as a part of the charter of said company.

Assessments.

Notice in newspaper.

IV. In all meetings of the stockholders which may be convened under the by-laws or rules of the company, a quorum shall consist of fifteen stockholders, representing three thousand shares, in their own right or by proxy.

Quorum.

In the Senate House, the nineteenth day of December, in the year of our Lord one thousand eight hundred and sixty-five.

W. D. PORTER, President of the Senate.

C. H. SIMONTON, Speaker House of Representatives.

Approved: JAMES L. ORR.



A. D. 1865.

No. 4765.

## AN ACT TO RENEW THE CHARTER OF THE MOUNT PLEASANT FERRY COMPANY.

Renewal of  
Act.

*Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That an Act passed on the twentieth day of December, eighteen hundred and fifty-six, entitled "An Act to renew the charter of the Mount Pleasant Ferry Company," be, and the same is hereby, renewed, and shall continue of force for the term of fourteen years from the expiration of the said Act of eighteen hundred and fifty-six.

In the Senate House, the twenty-first day of December, in the year of our Lord one thousand eight hundred and sixty-five.

W. D. PORTER, President of the Senate.

C. H. SIMONTON, Speaker House of Representatives.

Approved: JAMES L. ORR.

No. 4766. AN ACT TO LEND THE CREDIT OF THE STATE TO SECURE CERTAIN BONDS TO BE ISSUED BY THE SOUTH CAROLINA RAILROAD COMPANY, AND FOR OTHER PURPOSES.

Authority to  
issue bonds.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That for the extension of the debt guaranteed by the State of South Carolina, in pursuance of the provisions of the Act of the General Assembly, ratified on the twentieth day of December, eighteen hundred and thirty-seven, entitled "An Act to lend the credit of the State to secure any loan which may be made by the Louisville, Cincinnati and Charleston Railroad Company, and for other purposes," the South Carolina Railroad Company be, and is hereby, authorized to issue its bonds for the principal and interest of said debt, which said bonds shall be payable at London, or such other place as the South Carolina Railroad Company may prescribe, not more than twenty years after the date thereof, and bear interest at the rate of five per cent. per annum, payable semi-annually; and when said bonds shall be signed by the President of said company under its corporate seal, and be countersigned by the Secretary thereof, it shall be the duty of the Treasurer of the State to endorse thereon that the faith and funds of the State of South Carolina are pledged to the punctual payment of the principal and interest of said bonds, according to the tenor and effect thereof: *Provided*, That the Treasurer shall not endorse the bonds to be issued in pursuance of this Act for any amount greater than the principal and interest of the bonds which shall, from time to time, be delivered up and cancelled.

Proviso.

Payment of  
principal and  
interest.

II. That the South Carolina Railroad Company shall, from and after the expiration of five years from the date of such bonds, annually apply such portion of its earnings to the payment of the

principal and interest of such bonds as will insure the full and entire payment thereof, at or before the period at which the liability of the State on such bonds would mature.

A. D. 1865.

Preamble.

III. And whereas the bonds to be issued in pursuance of this Act are in substitution of the bonds guaranteed by the State under the Act ratified the twentieth day of December, eighteen hundred and thirty-seven, and an extension of the principal and interest due thereon: *Be it, therefore, further enacted*, That as soon as the Treasurer of the State shall have made any such endorsement on any such bonds, all the estate, property and funds mortgaged to the State by the Act ratified on the twentieth day of December, eighteen hundred and thirty-seven, shall continue mortgaged and pledged to the State, to secure the State against any liability on said loan, and the endorsements to be made in pursuance of this Act for the payment thereof, in like manner and to the same extent as the said estate, property and funds are now mortgaged, and with all the rights of priority and lien given by said Act to the State.

Property  
mortgaged.

In the Senate House, the twenty-first day of December, in the year of our Lord one thousand eight hundred and sixty-five.

W. D. PORTER, President of the Senate.

C. H. SIMONTON, Speaker House of Representatives.

Approved: JAMES L. ORR.

## AN ACT TO INCORPORATE THE PALMETTO SAVINGS BANK.

No. 4767.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That Joseph D. Aiken, William H. Houston, John H. Steinmeyer, William Matthiessen and J. W. Brownfield, and their associates and successors, be, and they are hereby, declared a body politic and corporate, by the name and style of the Palmetto Savings Bank, with all the powers and privileges now given by law to the Palmetto Savings Institution, of Charleston.

Name and  
style.

II. This corporation shall have its location in Charleston, and this Act shall be deemed a public Act, and shall remain of force for a term of fourteen years.

Public Act.

In the Senate House, the twenty-first day of December, in the year of our Lord one thousand eight hundred and sixty-five.

W. D. PORTER, President of the Senate.

C. H. SIMONTON, Speaker House of Representatives.

Approved: JAMES L. ORR.

A. D. 1865.

## AN ACT TO INCORPORATE THE DEEP-WATER AND WESTERN RAILROAD COMPANY.

No. 4768.

Purpose.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That for the purpose of establishing a communication by railroad from Foot Point, at the junction of the Colleton and Chickessee Rivers, in Beaufort District, to some point on the Savannah River, in said District, the formation of a corporate company is hereby authorized, to be called "The Deep-Water and Western Railroad Company," which company, when formed in compliance with the conditions hereafter prescribed, shall have corporate existence as a body politic in this State.

Location.

II. That the said company is hereby authorized to construct a railroad from Foot Point, at the junction of the Colleton and Chickessee Rivers, in Beaufort District, to some point on the Savannah River, within the said District, by a route to be determined by the said company, after the same shall have been formed.

Places and  
time to open  
books of sub-  
scription.

III. That the books of subscription to the stock of said company shall be opened at Hilton Head and Charleston, by three Commissioners in each place, to be appointed by the Governor, and the books shall be opened in each of said places on the same day, to wit: The first Monday in January next, and be kept open in each place for thirty days thereafter, between the hours of nine o'clock A. M. and three o'clock P. M.; notice whereof shall be given by each set of Commissioners, either by advertising in a gazette, or such other manner as they may deem best, for at least one month prior to the time for the opening of said books. Individuals may subscribe for as many shares as they see fit, paying to the Commissioners at the time of subscribing, one dollar for each share subscribed for; and the Commissioners shall designate in the books, opposite to the name of each subscriber, the date of the subscription, the number of shares subscribed for, and the sum of money paid; and for the sum so paid, the Commissioners shall give a receipt to the individual paying, and shall make a return of the subscriptions taken by them and the sums of money paid thereon to the Commissioners at Charleston.

Capital amount  
requisite for  
operation.

IV. That the capital stock of said company shall be five hundred thousand dollars, with the privilege of increasing the same to a sum not exceeding one million of dollars, and to be divided into shares of twenty-five dollars each; and when the sum of two hundred and fifty thousand dollars shall be subscribed for in the manner hereinbefore prescribed, the subscribers shall be, and they are hereby declared, a body corporate, by the name and style of "The Deep-Water and Western Railroad Company," and may meet and organize the said company at such time and place as may be designated by a majority of Commissioners aforesaid.

Powers and  
privileges.

V. That for the purpose of organizing and forming this company, all the powers conferred by the charter of the Spartanburg and Union Railroad Company on the Commissioners mentioned in said charter shall be vested in the Commissioners to be appointed by the Governor under the provisions of this Act; and all the powers and privileges granted by the charter of the said Spartanburg and



Union Railroad Company to that company shall be, and are hereby, granted to "The Deep-Water and Western Railroad Company," subject to the conditions therein contained, except in so far as the special provisions of this Act may require the same to be modified or varied.

A. D. 1865.

VI. That all questions concerning the right of way for said railroad, when the company and land owners cannot agree touching the same, shall be determined in the same manner as is provided by the tenth Section of an Act entitled "An Act to authorize the formation of the Spartanburg and Union Railroad Company," ratified on the seventeenth day of December, in the year of our Lord one thousand eight hundred and forty-seven, for determining questions of right of way for said railroad. In all cases of appeal for assessments by Commissioners, full costs shall be awarded, and the collection thereof enforced, as in cases of trespass on the case.

Questions of right of way, how settled.

VII. That this Act shall be held and deemed a public Act, and continue in force for fifty years.

Public Act.

In the Senate House, the twenty-first day of December, in the year of our Lord one thousand eight hundred and sixty-five.

W. D. PORTER, President of the Senate.

C. H. SIMONTON, Speaker House of Representatives.

Approved: JAMES L. ORR.

# AN ACT TO INCORPORATE THE ASHLEY RIVER SAW MILL, No. 4769. TIMBER AND LUMBER COMPANY.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That David Riker, Seth Spencer, Philip J. Porcher, T. B. Trout, Oliver Amsbury and H. T. Peake, and their associates and successors, be, and the same are hereby, constituted a body politic and corporate, by the name and style of "The Ashley River Saw Mill, Timber and Lumber Company," for the purpose of erecting saw mills, purchasing ranging timber, masts, spars, raft lumber, spokes, hoop poles, and so forth, and for trading in all kinds of Southern timber, and by that name may sue and be sued, plead and be impleaded, in any Court of Law or Equity in this State; may have a common seal, and the same may alter at pleasure, and may have and enjoy all the rights, powers and privileges incident to corporations.

Name and style.

II. That the capital stock of said company shall be one hundred thousand dollars, with the privilege of increasing the same to any amount not exceeding two hundred thousand dollars, to be divided into shares of twenty dollars each, and that the said company shall be allowed to commence business so soon as the sum of twenty-five dollars shall be subscribed.

Capital.

A. D. 1865.

Public Act.

III. That this Act shall be, and the same is hereby declared to be, a public Act, and shall continue for the term of twenty years.

In the Senate House, the twenty-first day of December, in the year of our Lord one thousand eight hundred and sixty-five.

W. D. PORTER, President of the Senate.

C. H. SIMONTON, Speaker House of Representatives.

Approved: JAMES L. ORR.

NO. 4770. AN ACT TO INCORPORATE THE SOUTH CAROLINA LAND AND EMIGRATION COMPANY.

Purposes and title.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That D. H. Riker, R. T. Morrison, J. L. Bryan, James W. Brown, Lawrence Toomer, W. M. Sage, Henry Sparnick, C. L. Claussen, E. L. Leadbetter and R. H. Riker, in behalf of themselves and such others as now are, or may hereafter be, associated with them, for the purpose of encouraging the immigration of free white labor to this State, and for the development of her agricultural resources, be, and they are hereby, constituted a body corporate and politic, by the name and title of "The South Carolina Land and Emigration Company."

Capital stock.

II. That the capital stock of said company shall consist of ten thousand shares, of fifty dollars each, with the privilege of increasing the same to twenty thousand shares; but when the sum of one hundred thousand dollars shall have been subscribed, in the manner hereinafter provided for, the said company may be organized, and this charter shall attach.

Books of subscription, time and place to open.

III. That for the purpose of raising the capital stock of the said company, books of subscription shall be opened on the first Monday of January next, and shall be kept open for ten days, between the hours of ten o'clock in the morning and four o'clock in the afternoon, in the city of Charleston, under the direction of D. H. Riker, C. L. Claussen and James W. Brown; and in case the said sum of one hundred thousand dollars shall not be subscribed within that time, the said Commissioners shall be authorized to keep open the said books until said sum has been subscribed: *Provided*, The same shall be done within twelve months from the ratification of this Act: *And provided, further*, That the said Commissioners shall give at least ten days' notice of the time and place of opening said books.

Proviso.

Money or land as subscriptions.

IV. That the said Commissioners, or a majority of them, shall receive subscriptions for shares in the said company, to be paid either in money or in land at an assessed valuation; and on each share so subscribed in money the said Commissioners shall demand and receive the sum of five dollars, and on each share so subscribed in land, shall demand and receive security to the same extent, by mortgage or otherwise, as the Commissioners may deem proper, without which the subscription shall be void.

V. That as soon as the sum of one hundred thousand dollars shall have been subscribed, in the manner hereinbefore provided for, the said Commissioners, or a majority of them, shall, by public notice, call a meeting of the subscribers, to be held in the city of Charleston, at which meeting the said subscribers shall proceed to organize the said company, by the election of a President and nine Directors.

A. D. 1865.

Amount necessary for organization.

VI. That in the said election, and in all future elections of President and Directors, and in the making, altering and repealing of by-laws, and in determining on measures involving the interests of the company, at any stated or occasional corporate meeting, the votes of the stockholders shall be taken and governed by the scale and regulations following: The owner of one or two shares shall be entitled to one vote; the owner of more than two and less than five shares, to two votes; the owner of more than five and less than ten shares, to four votes; the owner of more than ten and less than twenty shares, to six votes; the owner of more than twenty and less than thirty shares, to eight votes; the owner of more than thirty and less than forty shares, to ten votes; and the owner of shares above forty shall be entitled to one vote for every ten shares above forty: *Provided*, That no individual or corporation holding stock in said company shall be entitled to more than one hundred votes. No one but a subscriber shall be capable of being a proxy; and the appointment of a proxy shall be in writing, signed by the stockholder appointing. Any person offering to vote as a proxy may be required by any stockholder to swear that he has no interest, directly or indirectly, in the stock in which he offers to vote as a proxy. A trustee of stock shall not vote on shares held by him in trust, expressed or declared, where the *cestui que trust* holds other shares, either in his own name or in the name of another trustee, but the *cestui que trust* may vote in all shares owned by him, whether legally or equitably, according to the scale aforesaid.

Regulations for votes.

Proviso.

VII. That the election of a President and Directors shall be made annually, according to the by-laws to be made for the purpose; and in case any vacancy occur in the Board, between two periods of general election, a majority of the Board of Directors, at any regular or stated meeting of the Board, may elect by ballot, from the stockholders, a person to fill the vacancy so occurred, until the next general election of Directors. But if it happens that the day of annual election of President and Directors shall pass without election, as to all or any of them being effected, the corporation shall not be dissolved nor discontinued thereby; but it shall be lawful on any other day to hold and to make such election in such manner as may be prescribed by the by-laws of the corporation, subject to the scale and regulations of the sixth Section of this Act.

President and Directors.

VIII. That the said company shall have power and capacity to purchase, take and hold, in fee simple, or for years, to them and their successors, any lands, tenements or hereditaments, vessels, (steam or sail,) and other property of every kind and description whatsoever, which they may find necessary for the purposes of said company, and shall have power and authority to make all by-laws, not repugnant to the laws of the land, to have and keep a common

Powers.



A. D. 1865.

seal, and the same to alter at will, to sue and be sued, plead and be impleaded, in any Court of Law or Equity in this State, and shall have and enjoy all and every right and privilege incidental and belonging to corporate bodies, according to the laws of this State.

Agreements  
binding.

IX. All contracts and agreements authenticated by the President and Secretary shall be binding on the company, without seal, or such other mode of authentication may be used as the company by their by-laws may adopt.

Contracts  
not to exceed  
amount of  
capital.

X. The Board of Directors shall not exceed, in any contracts which they may make in carrying out the purposes of the company, the amount of the capital of the corporation; and in case they should do so, the President and Directors who may be present at the meeting at which such contract or contracts so exceeding the amount aforesaid shall be made, shall be, jointly and severally, liable for the excess, both to the contractor or contractors and to the corporation: *Provided*, That any one may discharge himself from such liability by voting against such contract or contracts, and causing such vote to be recorded in the minutes of the Board, and giving notice thereof to the next general meeting of the stockholders.

Proviso.

Transfer of  
stock.

XI. The stock of the said company may be transferred in such manner and form as may be directed by the by-laws of the company.

Dividends.

XII. The profits of the company, or so much thereof as the Board of Directors may deem advisable, shall, when the affairs of the company permit, be semi-annually divided among the stockholders in proportion to the stock each may hold.

Public Act.

XIII. This Act shall be deemed a public Act, and may be given in evidence without being specially pleaded, and shall continue of force for a term of twenty-one years.

In the Senate House, the twenty-first day of December, in the year of our Lord one thousand eight hundred and sixty-five.

W. D. PORTER, President of the Senate.

C. H. SIMONTON, Speaker House of Representatives.

Approved: JAMES L. ORR.

# No. 4771. AN ACT FOR THE RELIEF OF THE CHARLESTON AND SAVANNAH RAILROAD COMPANY.

Power to  
borrow.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the Charleston and Savannah Railroad Company is authorized and empowered to borrow or raise the sum of not more than five hundred thousand dollars, to be used in the extension, building and procuring the proper outfit of said road between Charleston, South Carolina, and Savannah, Georgia.

Bonds, au-  
thority to issue.

II. That for this purpose, the said company is hereby authorized and empowered to issue bonds to the amount of not more than five hundred thousand dollars, payable twenty years after the date thereof, with coupons attached, payable semi-annually. These bonds

shall have a priority of lien over all other liens, bonds, mortgages, judgments and debts on the whole road, when finished, including its outfit and real estate: *Provided*, That the holders of the unendorsed bonds of said company, and the judgment creditors of said company, consent and agree in writing that their bonds and judgments be postponed and become liens on said road next after the State lien.

A. D. 1865.

Proviso.

III. That the present lien of the State of South Carolina on said road be postponed, and become a second lien, which said second lien shall extend and cover the whole road, its outfit and real estate, when completed.

Lien postponed

In the Senate House, the twenty-first day of December, in the year of our Lord one thousand eight hundred and sixty-five.

W. D. PORTER, President of the Senate.

C. H. SIMONTON, Speaker House of Representatives.

Approved: JAMES L. ORR.

## AN ACT TO INCORPORATE THE CHARLESTON DREDGING AND WHARF BUILDING COMPANY. No. 4772.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That James Carlin, John W. Sly, James Eagan, Charles Barkley and John Ferguson, and their associates and successors, be, and they are hereby declared to be, a body corporate and politic in law, by the name of "The Charleston Dredging and Wharf Building Company."

Title.

II. The capital stock of the said company shall be twenty-five thousand dollars, in shares of one hundred dollars each, but said company shall be allowed to go into operation when fifteen thousand dollars of said stock shall have been subscribed for, and paid in cash.

Capital stock.

III. The affairs of said company shall be managed by a Board, consisting of a President and three Directors, who shall be elected in such manner, and for such period, as the stockholders may prescribe.

President and Directors.

IV. The said company may hold such property, real and personal, as may be necessary for the purposes of their business, and may, from time to time, sell and transfer the same, or any part thereof.

Property, right to hold.

V. The said company may, by its corporate name, sue and be sued in all Courts of this State, may have a common seal, and make such rules and by-laws as they shall see fit, not inconsistent with the laws of this State, for the proper management of said company.

Seal, etc.

In the Senate House, the twenty-first day of December, in the year of our Lord one thousand eight hundred and sixty-five.

W. D. PORTER, President of the Senate.

C. H. SIMONTON, Speaker House of Representatives.

Approved: JAMES L. ORR.

A. D. 1865.

No. 4773.

AN ACT TO INCORPORATE SCHILLER LODGE NO. 30, OF THE  
INDEPENDENT ORDER OF ODD FELLOWS OF THE STATE OF  
SOUTH CAROLINA.

Title and  
location.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That all persons who now are, or may hereafter become, members of Schiller Lodge No. 30, of the Independent Order of Odd Fellows, of the State of South Carolina, which Lodge shall be located in the city of Charleston, be, and the same are hereby, declared and constituted a body politic and corporate, by the name and style above assigned.

By-laws, etc.

II. That the Lodge aforesaid shall have succession of officers and members according to its by-laws, and shall have power to make by-laws, not repugnant to the laws of the land, and to have, use and keep a common seal, and the same to alter at will, to sue and be sued in any Court in this State. It is hereby empowered to retain, possess and enjoy all such property, real and personal, as it may possess, or be entitled to, or which shall hereafter be given, bequeathed to, or in any manner acquired by it, and to sell, alien, or transfer the same: *Provided*, The amount so held shall not exceed the sum of twenty thousand dollars.

Public Act.

III. That this Act shall be a public Act, and continue in force for the term of fourteen years from the date of its ratification.

In the Senate House, the nineteenth day of December, in the year of our Lord one thousand eight hundred and sixty-five.

W. D. PORTER, President of the Senate.

C. H. SIMONTON, Speaker House of Representatives.

Approved: JAMES L. ORR.

No. 4774. AN ACT TO INCORPORATE THE GERMAN IMMIGRATION, LAND  
AND TRADING COMPANY, OF CHARLESTON.

Title and style.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That John A. Wagener, John Campsen and J. C. H. Claussen, and such persons as may now, or hereafter shall, be associated with them, are hereby made and declared to be a body politic and corporate, by the name and style of "The German Immigration, Land and Trading Company, of Charleston," for a term of twenty-one years.

Use of capital.

II. That the capital of the said company shall be employed in the promotion of European immigration; in the purchase, sale and settlement of lands; in the establishment of mills, factories and useful institutions in this State, and of direct intercourse with European ports, in such manner as the rules and by-laws of the said company may prescribe.



III. That the said company may go into operation as soon as the sum of fifty thousand dollars shall have been actually paid in, and may have a capital to the extent of two millions of dollars, divided into shares of one hundred dollars each.

A. D. 1865.  
Sum requisite  
for operation.

IV. That the profits of the said company may, from time to time, be divided among the shareholders, according to such rules and regulations, not repugnant to the laws of this State, as they may prescribe.

Dividends.

V. That the said John A. Wagener, John Campsen and J. C. H. Claussen, or any three persons whom they may appoint, may act as Directors, for the purpose of receiving subscriptions to the capital stock of said company, vesting the sums subscribed upon such terms and in such securities as the stockholders, at the time of subscription, shall specify.

Directors.

VI. That it shall be lawful for the said company to receive lands at a fairly appraised valuation, in lieu of cash, for stock, provided such stock shall be specially registered, and shall not be allowed any interest, dividend or profit, until it is made available by transfer, sale, or otherwise, and then for so much only as it actually shall have realized in cash or interest-bearing capital.

Lands as  
subscriptions.

VII. That the said John A. Wagener, John Campsen and J. C. H. Claussen, and the survivors or survivor of them, shall immediately after the subscriptions to the said company shall amount to more than fifty thousand dollars in cash actually paid in, call a meeting of the stockholders for the election of such officers as the by-laws agreed upon by the said stockholders shall prescribe.

Meeting of  
stockholders.

VIII. That the said company, by their name aforesaid, shall have perpetual succession of officers and members, and they may have a common seal, with power to change, alter, and make new the same as often as they shall deem expedient.

Perpetual suc-  
cession of of-  
ficers.

IX. That the said company shall be able and capable in law to purchase, have, hold, take, receive, possess, retain and enjoy to itself, in perpetuity, or for any term of years, any estate, real or personal, of what kind or nature whatsoever, and to sell, alien, transfer and dispose of the same as they may think proper; and by its name above mentioned, to sue and be sued, implead and be impleaded, answer and be answered unto, in any Court of Law or Equity in this State; and to make such rules and by-laws, not repugnant or contrary to the laws of the land, as, for the prosperity, proper management and good government of the said company, may by them be thought necessary or expedient.

Rights and  
liabilities.

X. That the said company, in addition to the powers and rights hereby expressly conferred upon them, shall have all the powers and rights incident to corporations by the common law.

In the Senate House, the twenty-first day of December, in the year of our Lord one thousand eight hundred and sixty-five.

W. D. PORTER, President of the Senate.

C. H. SIMONTON, Speaker House of Representatives.

Approved: JAMES L. ORR.

A. D. 1866.

## AN ACT TO INCORPORATE THE CHARLESTON SAVINGS BANK.

No. 4775.

Name and  
style.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That Charles H. West, Joseph Prevost, William McBurney and Jacob F. Schirmer, and their associates and successors, be, and they are hereby, declared a body politic and corporate, by the style and name of "The Charleston Savings Bank," with all the powers and privileges now given by law to the Charleston Savings Institution.

Public Act.

II. This Act shall be a public Act, and remain of force for a term of fourteen years.

In the Senate House, the twenty-first day of December, in the year of our Lord one thousand eight hundred and sixty-five.

W. D. PORTER, President of the Senate.

C. H. SIMONTON, Speaker House of Representatives.

Approved: JAMES L. ORR.

No. 4776. AN ACT TO RAISE SUPPLIES FOR THE YEAR COMMENCING IN OCTOBER, ONE THOUSAND EIGHT HUNDRED AND SIXTY-SIX.

ARTICLES TAXED "AD VALOREM."

Tax on real  
estate, lands  
in possession  
Freed men's  
Bureau ex-  
cepted.)

Gas light  
companies.

Manufactured  
articles.

Spirituous  
liquors.

Buggies, car-  
riages, gold  
and silver  
plate, watches,  
jewelry, pianos

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That a tax for the sums and in the manner hereinafter mentioned, shall be raised and paid into the Treasury of this State, for the use and service thereof, that is to say: Upon the following articles there shall be an *ad valorem* tax paid as property, according to its assessed value, viz: On all real estate, thirty cents on every hundred dollars, except such lands as may be in the possession of the Freedmen's Bureau on the first day of January next; on the capital stock of all gas light companies, fifty cents on every hundred dollars; on articles manufactured for sale, barter or exchange, between the first day of January, one thousand eight hundred and sixty-six, and the same day of January, one thousand eight hundred and sixty-seven, one dollar on every hundred dollars, to be paid by the manufacturers; on the gross amount of all spirituous liquors, except on liquors manufactured in this State from fruits in their season, sold from the first day of January, one thousand eight hundred and sixty-seven, to the thirty-first day of December, one thousand eight hundred and sixty-seven, ten per cent., to be paid quarterly to the Tax Collectors of their respective Districts; on buggies, carriages, gold and silver plate, watches, jewelry and pianos, on hand on the first day of January, one thousand eight hundred and sixty-seven, except when held by dealers for the purposes of sale, one dollar on every hundred dollars.

III. That the said company may go into operation as soon as the sum of fifty thousand dollars shall have been actually paid in, and may have a capital to the extent of two millions of dollars, divided into shares of one hundred dollars each.

A. D. 1865.  
Sum requisite  
for operation.

IV. That the profits of the said company may, from time to time, be divided among the shareholders, according to such rules and regulations, not repugnant to the laws of this State, as they may prescribe.

Dividends.

V. That the said John A. Wagener, John Campsen and J. C. H. Claussen, or any three persons whom they may appoint, may act as Directors, for the purpose of receiving subscriptions to the capital stock of said company, vesting the sums subscribed upon such terms and in such securities as the stockholders, at the time of subscription, shall specify.

Directors.

VI. That it shall be lawful for the said company to receive lands at a fairly appraised valuation, in lieu of cash, for stock, provided such stock shall be specially registered, and shall not be allowed any interest, dividend or profit, until it is made available by transfer, sale, or otherwise, and then for so much only as it actually shall have realized in cash or interest-bearing capital.

Lands as sub-  
scriptions.

VII. That the said John A. Wagener, John Campsen and J. C. H. Claussen, and the survivors or survivor of them, shall immediately after the subscriptions to the said company shall amount to more than fifty thousand dollars in cash actually paid in, call a meeting of the stockholders for the election of such officers as the by-laws agreed upon by the said stockholders shall prescribe.

Meeting of  
stockholders.

VIII. That the said company, by their name aforesaid, shall have perpetual succession of officers and members, and they may have a common seal, with power to change, alter, and make new the same as often as they shall deem expedient.

Perpetual  
succession of  
officers.

IX. That the said company shall be able and capable in law to purchase, have, hold, take, receive, possess, retain and enjoy to itself, in perpetuity, or for any term of years, any estate, real or personal, of what kind or nature whatsoever, and to sell, alien, transfer and dispose of the same as they may think proper; and by its name above mentioned, to sue and be sued, implead and be impleaded, answer and be answered unto, in any Court of Law or Equity in this State; and to make such rules and by-laws, not repugnant or contrary to the laws of the land, as, for the prosperity, proper management and good government of the said company, may by them be thought necessary or expedient.

Rights and  
liabilities.

X. That the said company, in addition to the powers and rights hereby expressly conferred upon them, shall have all the powers and rights incident to corporations by the common law.

In the Senate House, the twenty-first day of December, in the year of our Lord one thousand eight hundred and sixty five.

W. D. PORTER, President of the Senate.

C. H. SIMONTON, Speaker House of Representatives.

Approved: JAMES L. ORR.



A. D. 1866.

## AN ACT TO INCORPORATE THE CHARLESTON SAVINGS BANK.

No. 4775.

Name and  
style.

1. *Be it enacted* by the Senate and House of Representatives now met and sitting in General Assembly, and by the authority of the same, That Charles H. West, Joseph Prevost, William McBurney and Jacob F. Schirmer, and their associates and successors, be, and they are hereby, declared a body politic and corporate, by the style and name of "The Charleston Savings Bank," with all the powers and privileges now given by law to the Charleston Savings Institution.

Public Act.

II. This Act shall be a public Act, and remain of force for a term of fourteen years.

In the Senate House, the twenty-first day of December, in the year of our Lord one thousand eight hundred and sixty-five.

W. D. PORTER, President of the Senate.

C. H. SIMONTON, Speaker House of Representatives.

Approved: JAMES L. ORR.

No. \*4776. AN ACT GIVING AUTHORITY TO THE CITY COUNCIL OF CHARLESTON TO PROCEED IN THE MATTER OF A FIRE LOAN, WITH A VIEW TO AID IN BUILDING UP THE CITY ANEW.

Preamble.

Whereas the City Council of Charleston did, on the twenty-eighth day of August, in the year one thousand eight hundred and sixty-six, pass an Ordinance to assist in the rebuilding of the city of Charleston, the title and provisions of which Ordinance are as follows :

"AN ORDINANCE TO AID IN REBUILDING THE BURNT DISTRICTS AND WASTE PLACES IN THE CITY OF CHARLESTON.

Bonds to aid  
in rebuilding  
Charleston.

SECTION 1. *Be it ordained* by the Mayor and Aldermen in City Council assembled, That for the purpose of aiding in the rebuilding of the city of Charleston, a great part of which is now lying in ruins, the Mayor of the city be, and he is hereby, authorized and directed, in the name of the City Council of Charleston, to issue seven per cent. coupon bonds, to be countersigned by the City Treasurer, not exceeding, in all, the sum of two millions of dollars, which shall be payable on the first day of January, in the year one thousand eight hundred and ninety, the interest to be paid semi-annually ; and, that said bonds be issued, from time to time, in such form and for such sums as shall be most effectual for the purpose ; the principal and interest thereon to be made payable in New York City ; and that the faith and funds of the city of Charleston be, and the same are hereby, pledged for the punctual payment of the principal and interest of said bonds ; and all and

every sum and sums of money which may be received by the City Council in repayment of the loans hereby authorized shall be, and they are hereby, set apart and appropriated as a special fund for the redemption and extinguishment of said bonds and interest.

A. D. 1863.

SEC. 2. That a Special Committee of Council, consisting of the Mayor and four Aldermen, to be appointed in the same manner as the regular committees of Council, be, and they are hereby, authorized to make loans of said bonds to such applicants as will build up and rebuild the waste places and burnt districts of the city of Charleston, or erect improvements upon their lots, under the following terms and regulations, viz.:

Special Committee of the Council.

CLAUSE 1. Any applicant desiring to build under this Ordinance must make application to the said Committee, setting forth a plan or description and the estimated cost of the building and buildings he proposes to erect; also, the situation and dimensions of his lot or lots, and an abstract of his title thereto; and, upon appraisal of the value of the lot and approval of proposed improvement by the Committee, and the approval of the title, in writing, by the City Attorney, a loan shall be made to said applicant for one-half of the appraised value of his lot, payable in said bonds at par value: *Provided*, That before any loan be actually made, it shall appear that work has been done to the amount of one-fifth of the estimated cost of the buildings: *And provided, further*, That no loan shall be made for the erection of any wooden buildings.

Terms and regulations.

Proviso.

CLAUSE 2. The applicant shall give bond in a sufficient penalty, with condition to pay to said City Council of Charleston the principal sum of whatever may be loaned him in fifteen equal annual installments; the first payable within three years from date of bond; also, with condition for payment of the interest quarterly, in advance; also, with the further condition that the money loaned shall, within six months from its receipt, be expended in the erection of stone or brick buildings, with roofs or covering and cornices of incombustible material, upon said lot of land; and, also, that the applicant shall, in all respects, comply with the provisions of this Ordinance, and of the Acts of the General Assembly in relation thereto, and of the law in relation to building in the city; and the said bonds shall be secured by a mortgage or mortgages of the lot or lots in such form as shall be prescribed by the General Assembly of the State; and if said mortgage should at any time become forfeited, the said City Council shall, and may, after six months' notice to the obligor, his executors, administrators or assigns, either personally served or published in one or more public gazettes of the city, proceed to sell the property mortgaged at auction upon such terms as the City Council shall prescribe, for the best price that can be obtained for the same, which said sale shall be advertised for three weeks previously, in one or more of said gazettes, and the money arising from such sale shall be applied to satisfaction of said bond, and any surplus that may remain shall be paid to the obligor, his executors, administrators or assigns.

Conditions.

CLAUSE 3. Whenever the amount first loaned shall have been expended in the erection of buildings as aforesaid, the applicant,

Further loans.

A. D. 1866.

his heirs-at-law, legal representatives or assigns, may make application for further loan, whereupon the said Committee shall ascertain and report whether the same has been applied as aforesaid; and upon certificate to that effect, the City Council shall make a further loan, equal in amount to one-half of the appraised value of the lot or lots, should so much be necessary to complete the improvements thereon; which said further loan shall be taken in said coupon bonds at par, upon the same terms and conditions as the first. And a further loan shall be made, equal to one-half of said appraised value of the lot or lots, or to one-third of the estimated cost of the buildings, at the option of the applicant, whenever said Committee shall certify that the amount already loaned has been actually expended agreeably to the provisions of this Ordinance, and that the said building or buildings have been completed, and that the aggregate amount of the loans does not exceed the value of the buildings. And in the case of the second and third loans, respectively, a good policy of insurance upon the property, to the extent of the amount loaned, shall be effected by the applicant, and assigned to the City Council, before such loans shall be made: *Provided*, That any policy shall be deemed sufficient if taken for such an amount as it may be customary for insurance offices here to take on any single risk; and said additional loans shall be taken, subject to the same conditions, and shall be secured in the same manner as the first, and the bond and mortgage may be so drawn originally as to embrace all loans which may be made to any applicant under this Ordinance, and which may be within the amount of the penalty of said bond.

Proviso.

CLAUSE 4. The valuation of the lots upon which such loans are to be made, and also the certificate of expenditures, shall be made by the Committee of Council aforesaid.

Rate of interest.

CLAUSE 5. The interest upon the bonds of the borrowers shall be at the rate of seven per cent. per annum, payable quarterly, in advance.

Insurance.

CLAUSE 6. In all cases, upon the advance of the second and third loans, respectively, the borrower shall cause insurance to be effected upon the buildings erected, and shall keep the same renewed for the amount of such loans, or of so much thereof as remains unpaid, in the manner hereinbefore provided, and assign the policy or policies to the City Council as collateral security; and in case the borrower shall neglect so to do, the City Council shall cause insurance to be effected or renewed in their own behalf, and shall demand from the borrower the premium paid and all expenses; and if the same are not paid within two months, then the bond given by such borrower shall be considered forfeited, and he shall, forthwith, be bound to pay the whole of his debt, as though the installments had all been made payable at date of such forfeiture, if the City Council shall deem it expedient to require payment of the same.

CLAUSE 7. No loan shall be made upon any lot upon which there is a wooden building; nor shall any loan be made for any building of less than two stories.



SEC. 3. The lessee or tenant for life of any lot shall be allowed the benefit of the provisions of this Ordinance, if the owner of the reversion or remainder join in the mortgage in such form as may be approved by the City Attorney.

A. D. 1863.

SEC. 4. The mortgage executed by the applicant shall be charged upon the land in favor of the City Council and their assigns, from the date of its registry in the office of Mesne Conveyance, against all persons whomsoever, and all mortgages shall be recorded or lodged for record in the said office before any bonds shall be delivered upon the loan.

Mortgages to be recorded.

SEC. 5. Any borrower may make payment upon his debt in the bonds hereby authorized, or in the past due coupons of the same, at par, from time to time, in whole or in part, in advance of the stated times of payment, if he should so desire.

Payments allowed in advance of stated periods.

SEC. 6. Inasmuch as the rate of interest to be paid by the borrower is the same as that to be paid by the City Council, all expenses of papers and of examination and approval of title by the City Attorney, and of searches and certificates by public officers, must be defrayed by the borrower. The fees of public officers to be the same as those fixed by the seventh Section of the Act of the year one thousand eight hundred and sixty-one, entitled 'An Act for rebuilding the city of Charleston after the recent conflagration,' and the charges of the City Attorney to be arranged according to a scale to be fixed by the said Committee of Council. The costs of all proceedings for perfecting titles must also be paid by the borrower, such as applications to the Court of Equity, when necessary, recording, stamping, and so forth.

Costs of papers to be paid by borrower.

SEC. 7. If any applicant shall be, at any time, in arrear for one year's interest, his mortgage shall be foreclosed without further indulgence.

SEC. 8. Any person who shall erect and complete any improvement on his lot or lots, which shall be approved by the Committee, may apply for and receive a loan thereon, in one amount, according to the principles of this Ordinance.

Loan on improvements.

SEC. 9. No bond shall be issued, nor any loan made, under this Ordinance, until the General Assembly of the State shall have given to the City Council authority to proceed in the premises, and have confirmed and ratified the provisions of this Ordinance, and prescribed the form of the mortgage provided for, nor until the City Council shall have accepted the action of the General Assembly in relation thereto.

Ratified in City Council, this twenty-eighth day of August, in the year of our Lord one thousand eight hundred and sixty-six.

[L. S.]

P. C. GAILLARD, Mayor.

W. H. SMITH, Clerk of Council."

And whereas doubts are entertained of the power of the City Council to accomplish the object without the permission and license of the General Assembly; therefore,

Preamble.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, That all and singular the provisions of the aforesaid Ordinance of the City Council of Charleston be, and the same are hereby, authorized and confirmed;

Authority granted.

A. D. 1866.

and authority is hereby given to the said City Council of Charleston to proceed in the premises, and to carry into effect the foregoing provisions.

Form of mortgages.

II. That the mortgages to be taken by the City Council may be after the following form: "Know all men by these presents, That I, \_\_\_\_\_ do hereby grant, bargain, sell and release to the City Council of Charleston, their successors or assigns, my lot in the city of Charleston, situate (here describe premises), which estate I declare to be in mortgage for securing all sum and sums of money which have been or may be loaned to me under the Ordinance for rebuilding the burnt districts and waste places of the city of Charleston, ratified the twenty-eighth day of August, in the year one thousand eight hundred and sixty-six, with interest, insurance and other proper charges. And I agree that the same may be exposed for sale, according to the provisions of said Ordinance, if I do not repay the principal, interest, insurance and other proper charges, at the several and respective times when they shall be lawfully payable. Witness my hand and seal, this \_\_\_\_\_ day of \_\_\_\_\_ in the year \_\_\_\_\_

Conditions to be added to mortgages.

And on this mortgage, should the applicant be married, there shall be a renunciation of dower or inheritance, as the case may be, in the usual form, and said mortgage shall be valid, to all intents and purposes, as if more formally drawn. And should said mortgage be forfeited by failure to pay any part of the debt or interest, at the time specified, or by breach of any of the conditions of the bond, the said City Council of Charleston may, after six months' notice to the obligor, his heirs, executors, administrators or assigns, either personally served or published in one or more of the public gazettes in the city of Charleston, proceed to sell the said property, by auction, for the best price that can be obtained for the same, after an advertisement for three weeks previously, in the manner set forth in said Ordinance. And the moneys arising from such sale shall be applied by the said City Council of Charleston, in satisfaction of said bond and all expenses of sale, any law or usage to the contrary thereof notwithstanding; and the purchaser at such sale, his heirs and assigns, shall be deemed to be seized of a good and absolute and legal estate in fee simple of the premises purchased, against all persons whomsoever, their heirs and assigns, not claiming by or under a paramount title.

III. That the conveyance in case of sale, as aforesaid, shall be made by the City Council of Charleston, and may be after the following form:

TO ALL TO WHOM THESE PRESENTS SHALL COME.

Form of conveyance.

Whereas \_\_\_\_\_ did, by deed bearing date the \_\_\_\_\_ day of \_\_\_\_\_ in the year one thousand eight hundred and \_\_\_\_\_, mortgage to the City Council of Charleston the premises hereinafter described, to secure his bond, conditioned for the payment of certain moneys loaned by the said City Council of Charleston—under the Ordinance of the City Council of Charleston, commonly known as the City Fire Loan Ordinance—which

mortgage is recorded in the office of Mesne Conveyance, in book \_\_\_\_\_, page \_\_\_\_\_; and whereas default has been made in the condition of said bond, and said mortgage has been thereby forfeited; and the said City Council of Charleston did, after the notice and advertisement required by law, proceed to sell the said premises at public auction, at which sale

\_\_\_\_\_ became the purchaser thereof:

Now, know all men by these presents, that we, the said City Council of Charleston, in consideration of the sum of \_\_\_\_\_ dollars, to us in hand paid by the said \_\_\_\_\_ (the receipt whereof is hereby acknowledged,) have granted, bargained, sold and released, and do, by these presents, grant, bargain, sell and release unto the said \_\_\_\_\_ all that lot of land, (describing the same,) and all the right, title, interest and estate of the City Council of Charleston in and to the same, together with all rights, members and appurtenances thereto belonging; to have and to hold all and singular the aforesaid premises unto the said \_\_\_\_\_ his heirs and assigns forever.

Witness the corporate seal of the City Council of Charleston, attested by the signature of the Mayor, this \_\_\_\_\_ day of \_\_\_\_\_ in the year one thousand eight hundred and \_\_\_\_\_

Sealed and delivered }  
in the presence of }

*Provided, however,* That this Act shall not affect or prejudice any existing lien on the real estate of any person who may avail himself or herself of the provisions of said Ordinance.

Proviso.

In the Senate House, the nineteenth day of September, in the year of our Lord one thousand eight hundred and sixty-six.

W. D. PORTER, President of the Senate.

C. H. SIMONTON, Speaker House of Representatives.

Approved: JAMES L. ORR.

## AN ACT TO INCORPORATE THE PLANTERS' AND FARMERS' RELIEF ASSOCIATION. RE- NO. \*4777.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That Richard W. Gale, George O. Robinson, Charles E. Robinson, William H. Bellamy, and their associates and successors, be, and they are hereby, constituted a body corporate and politic, under the name and style of "The Planters' and Farmers' Relief Association," for the purpose of supplying the planters and farmers of this State with provisions and pecuniary aid.

Name and style.

II. That the capital stock of said association shall consist of two hundred and fifty thousand dollars, to be divided into shares of five hundred dollars each, with the privilege of increasing the same to an amount not exceeding two millions of dollars; but when the sum of twenty thousand dollars shall have been subscribed and

Capital stock.



A. D. 1866.

actually paid in, in the manner hereinafter provided, the said association may be organized and go into operation.

Books of subscription.

III. That for the purpose of raising the capital stock of the said association, books of subscription may be opened by or under the direction of the said Richard W. Gale, George O. Robinson, Charles E. Robinson and Wm. H. Bellamy, at such times and in such places as they may think proper, and shall be authorized to keep open such books until the said sum of twenty thousand dollars has been subscribed and paid in: *Provided*, The same shall be done within twelve months from the ratification of this Act: *And provided, further*, That they shall give at least ten days' notice of the time and place of opening said books.

Elections ordered.

IV. That the said Richard W. Gale, George O. Robinson, Charles E. Robinson and William H. Bellamy, and the survivors or survivor of them, shall, immediately after the subscriptions to the said association shall amount to the sum of twenty thousand dollars in cash actually paid in, call a meeting of the stockholders for the election of such officers as the by-laws agreed upon by the said stockholders shall prescribe.

Dividends.

V. That the profits of the said association may, from time to time, be divided among the shareholders, according to such rules and regulations, not repugnant to the laws of this State, as they may prescribe.

VI. The stock of said association may be transferred in such manner and form as may be directed by the by-laws of the association.

Powers granted.

VII. The said association shall have power and authority to furnish supplies and make advances and loans to planters and farmers engaged in the cultivation of the soil, and for all such supplies, advances and loans so furnished and made, to require and receive a lien upon any real or personal estate, and upon any growing crop, to the extent of such supplies, advances and loans: *Provided*, The same shall not interfere with any existing liens. And they shall also have power and authority to purchase, take and hold, in fee simple or for years, to them and their successors, any lands, tenements or hereditaments, and other property, of whatsoever kind and description, which they may find necessary for the purposes of said association, and to transfer and dispose of the same as they may think proper; and shall have power and authority to make all by-laws, not repugnant to the laws of the land, to have and keep a common seal, and the same to alter at will, to sue and be sued, plead and be impleaded in any Court of law or equity in this State, and shall have and enjoy all and every right and privilege incident to corporate bodies, according to the laws of this State.

Public Act.

VIII. This Act shall be deemed a public Act and shall continue of force for fourteen years.

In the Senate House, the nineteenth day of September, in the year of our Lord, one thousand eight hundred and sixty-six.

W. D. PORTER, President of the Senate.

C. H. SIMONTON, Speaker House of Representatives.

Approved: JAMES L. ORR.

AN ACT TO INCORPORATE THE PHOENIX FIRE ENGINE COMPANY,  
OF DARLINGTON.

A. D. 1866.

No. \*4778.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That F. F. Warley, E. Keith Dargan, and all persons who now are, or hereafter may become, members of a voluntary association, which has been formed in the town of Darlington, called the Phoenix Fire Engine Company, be, and the same are hereby, declared a body politic and corporate, by the name and style of the Phoenix Fire Engine Company, of Darlington, and be invested with all the rights and powers, and subject to all the duties, usually incident to such corporations.

Name and  
style.

II. The said company, by its corporate name, shall have succession of officers and members, to be chosen and admitted according to its by-laws, and shall have power to make by-laws, provided the same are not repugnant to the laws of the land; may have and use a common seal, and the same to alter at will, and to sue and be sued, plead and be impleaded in any Court in this State.

Powers.

III. The members of said company, not exceeding forty-five in number, shall be, and they are hereby, declared exempt from ordinary militia duty; but shall be liable to perform said duty in times of alarm, insurrection or invasion, (or as one of the *posse comitatus*, when required,) and shall not be exempt from draft for actual service.

Exemptions.

IV. That this Act shall be a public Act, and shall continue of force for fourteen years from the date of its ratification.

Public Act.

In the Senate House, the nineteenth day of September, in the year of our Lord one thousand eight hundred and sixty-six.

W. D. PORTER, President of the Senate.

C. H. SIMONTON, Speaker House of Representatives.

Approved: JAMES L. ORR.

AN ACT TO AMEND AN ACT ENTITLED "AN ACT TO LEND THE  
CREDIT OF THE STATE TO SECURE CERTAIN BONDS TO BE  
ISSUED BY THE SOUTH CAROLINA RAILROAD COMPANY." No. \*4779.

Whereas the bonds of the Louisville, Cincinnati and Charleston Railroad Company, guaranteed by the State, in accordance with the Act of the General Assembly ratified the twenty-first day of December, in the year of our Lord one thousand eight hundred and thirty-seven, are for the most part held by parties resident in Great Britain, and the exchange of said bonds for the bonds authorized to be substituted in lieu thereof, under the Act ratified December the twenty-first, in the year of our Lord one thousand eight hundred and sixty-five, cannot be made at the office of the Treasurer of the State, as provided for in said Act:

Preamble.

A. D. 1866.

Part of Act  
repealed.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That so much of the first Section of the Act to which this is an amendment, as requires the outstanding bonds to be delivered up to the Treasurer and canceled before the guarantee of the State is endorsed upon the new bonds, be, and the same is hereby, repealed.

Agent to be  
appointed by  
the Governor.

II. That to effect the exchange of the new bonds for those now outstanding, the Governor of the State be, and is hereby, authorized to appoint an agent of the State, to whom the Treasurer, after endorsing upon the bonds to be issued in pursuance of the Act ratified December the twenty-first, in the year of our Lord one thousand eight hundred and sixty-five, the guarantee of the State, as provided in said Act, shall deliver said bonds, and by whom the exchange of the new bonds for the old shall be effected; the expenses and compensation of such agent to be defrayed by the South Carolina Railroad Company.

Duties of  
agent.

III. That said agent shall not deliver the bonds to be issued in pursuance of the Act ratified December the twenty-first, in the year of our Lord one thousand eight hundred and sixty-five, for any amount greater than the principal and interest of the bonds which shall, from time to time, be delivered up to him to be canceled, and that when said agent shall have effected said exchange he shall report to the Governor of the State the amount of bonds which he has delivered, and the amount which he has received in exchange, and shall deliver to the Treasurer of the State the bonds received by him in exchange.

In the Senate House, the nineteenth day of September, in the year of our Lord one thousand eight hundred and sixty-six.

W. D. PORTER, President of the Senate,  
C. H. SIMONTON, Speaker House of Representatives.

Approved: JAMES L. ORR.

No. \*4780. AN ACT TO MAKE PARTIES PLAINTIFFS AND DEFENDANTS, IN ALL CASES, COMPETENT TO GIVE TESTIMONY IN SUCH CASES, IN LIKE MANNER AS OTHER WITNESSES.

Plaintiffs and  
defendants em-  
powered to  
give testimony.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That on the trial of any issue joined, or of any matter or question, or any inquiry arising in any suit, action or proceeding in any Court of justice in the State, or before any person having, by law or by consent of parties, authority to receive, hear and examine evidence, the parties thereto, and the persons in whose behalf any such action or other proceeding may be brought or defended, and any and all persons interested in the same, except as hereinafter excepted, shall be competent and compellable to give evidence, either



*viva voce* or by deposition, according to the practice of the Court, on behalf of either or any of the parties to the said action or other proceeding: *Provided*, That nothing herein shall be understood to prevent either party from introducing evidence to contradict or impeach the testimony of parties having interest, and made competent by this Act to testify.

A. D. 1866.

Proviso.

II. That in the trial of all criminal cases the defendant shall be allowed to testify (if he desires to do so, and not otherwise,) as to the facts and circumstances of the case.

III. That no person shall be required to answer any question tending to criminate himself; nor shall husband or wife be required to disclose any communication made to each other during their coverture, nor shall testimony given under this Act be afterwards used against him in any other case, civil or criminal, except upon an indictment for perjury, founded on that testimony.

Privileges  
granted.

In the Senate House, the nineteenth day of September, in the year of our Lord one thousand eight hundred and sixty-six.

W. D. PORTER, President of the Senate.

C. H. SIMONTON, Speaker House of Representatives.

Approved: JAMES L. ORR.

AN ACT TO LEGALIZE THE ELECTIONS OF MUNICIPAL OFFICERS No. \*4781.  
OF THE TOWNS OF MOULTRIEVILLE AND MOUNT PLEASANT.

*Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the recent elections for Intendants and Wardens of the towns of Mount Pleasant and Moultrieville, respectively, be, and the same are hereby, declared as valid, to all intents and purposes, as if the same had been held at the times and under the provisions of existing law; and all acts done by the said Intendants and Wardens, under the charters of the said towns, respectively, are hereby confirmed.

Election de-  
clared legal.

In the Senate House, the nineteenth day of September, in the year of our Lord one thousand eight hundred and sixty-six.

W. D. PORTER, President of the Senate.

C. H. SIMONTON, Speaker House of Representatives.

Approved: JAMES L. ORR.

A. D. 1866.  
 No. \*4782.

AN ACT TO DECLARE VALID THE RECENT ELECTION FOR INTENDANT AND WARDENS OF THE TOWN OR DARLINGTON.

Election declared valid.

*Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the recent election for Intendant and Wardens of the town of Darlington be, and the same is hereby, declared as valid, to all intents and purposes, as if the same had been held at the time and under the provisions of existing law; and all acts done by the said Intendant and Wardens, under the charter of the said town, are hereby confirmed.

In the Senate House, the nineteenth day of September, in the year of our Lord one thousand eight hundred and sixty-six.

W. D. PORTER, President of the Senate.  
 C. H. SIMONTON, Speaker House of Representatives.

Approved: JAMES L. ORR.

No. \*4783.

AN ACT TO PROVIDE FOR THE DRAWING OF JURIES FOR THE NEXT TERM OF THE COURT OF COMMON PLEAS AND GENERAL SESSIONS FOR DARLINGTON DISTRICT.

Duty of the Clerk and Sheriff.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That for the purpose of providing juries for the next term of the Court of Common Pleas and General Sessions for the District of Darlington, it shall be the duty of the Clerk and Sheriff of the said Court to call in a Magistrate of the District, who shall open and preside at a Special Court for said District, on or before the first Monday in October next, at which juries shall be drawn for the next regular Term.

Provision for jury box.

II. That if by reason of the destruction of the jury box, or from any other cause, it shall become necessary, the Clerk and Sheriff shall, before holding such Special Court, provide a new jury box, the expense of which shall be defrayed by the Commissioners of Public Buildings for the District; and shall obtain a copy of the Tax Collector's return, and if no copy can be had, they shall procure a list of tax-payers of the District, and from such return or list make the proper jury tickets, which shall be put into the jury box, in presence of the Magistrate, and from them the juries be drawn.

Journals to be kept.

III. The Clerk shall, in every case, make in the journals proper entries of all that may be done; and the key of the jury box shall be enclosed in a sealed envelope, certified by the name of the Magistrate, written thereon in his own hand-writing.

Summons of jurors.

IV. That the said Clerk of the Court of the District of Darlington aforesaid be, and he is hereby, authorized and required to issue a writ of *venire facias*, directed to the said Sheriff of Darlington District, who shall summon the jurors so drawn, as aforesaid, to

appear and serve at the said Court; and that all jurors so to be summoned, and failing to attend agreeably to such summons, shall be, and they are hereby, declared to be subject to the penalties prescribed by law against defaulters in like cases.

A. D. 1866.

In the Senate House, the nineteenth day of September, in the year of our Lord one thousand eight hundred and sixty-six.

W. D. PORTER, President of the Senate.

C. H. SIMONTON, Speaker House of Representatives.

Approved: JAMES L. ORR.

AN ACT TO VEST IN "THE CITY OF COLUMBIA" THE RIGHT AND NO. \*4784.  
TITLE OF THE STATE IN CERTAIN LOTS.

*Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the right and title of the State in the lots known as the Market and Jail Lots, at the corner of Richardson and Washington streets, in the city of Columbia, be, and the same is hereby, vested in the city of Columbia: *Provided*, That the city of Columbia shall first convey to the Commissioners of Public Buildings for Richland District, for the State, a lot for the site of a jail in Richland District, satisfactory to the said Commissioners.

Grant of lots.

Proviso.

In the Senate House, the twentieth day of September, in the year of our Lord one thousand eight hundred and sixty-six.

W. D. PORTER, President of the Senate.

C. H. SIMONTON, Speaker House of Representatives.

Approved: JAMES L. ORR.

AN ACT TO AMEND AN ACT ENTITLED "AN ACT TO MAKE AP- NO. \*4785.  
PROPRIATIONS FOR THE YEAR COMMENCING IN OCTOBER, ONE  
THOUSAND EIGHT HUNDRED AND SIXTY-FIVE."

*Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the fourth Section of an Act entitled "An Act to make appropriations for the year commencing in October, one thousand eight hundred and sixty-five," ratified the twenty-first day of December, in the year of our Lord one thousand eight hundred and sixty-five, wherein is appropriated the sum of six thousand dollars



A. D. 1866.  
 Amendment  
 of Act.

for the Assessor of St. Philip's and St. Michael's, for making out and affixing assessments of his annual return, be so amended as to read six hundred dollars, instead of the sum of six thousand dollars therein expressed; and that so much of the said Act as appropriates one hundred dollars for the library of the Court of Appeals be so amended as to read one thousand dollars.

In the Senate House, the nineteenth day of September, in the year of our Lord one thousand eight hundred and sixty six.

W. D. PORTER, President of the Senate.

C. H. SIMONTON, Speaker House of Representatives.

Approved: JAMES L. ORR.

No. \*4786. AN ACT TO SECURE ADVANCES FOR AGRICULTURAL PURPOSES.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That if any person or persons shall make any advance or advances, either in money or supplies, to any person or persons who are engaged, or are about to engage, in the cultivation of the soil, the person or persons so making such advance or advances shall be entitled to a lien on the crop which may be made during the year upon the land in the cultivation of which the advances so made have been expended, in preference of all other liens existing or otherwise, to the extent of such advance or advances: *Provided*, An agreement in writing shall be entered into before any such advance is made, to this effect, in which shall be specified the amount to be advanced, or in which a limit shall be fixed beyond which the advances, if made from time to time during the year, shall not go, which agreement shall be recorded in the office of the Register of Mesne Conveyance for the District in which the person to whom the advances are made resides, within thirty days from its date.

Lien on crops.

Proviso.

Guarantee  
 against the  
 defeat of lien.

Proviso.

II. That if any person making such advances shall make an affidavit before the Clerk of the Court of Common Pleas of the District in which such crop is, that the person to whom such advances have been made is about to sell or dispose of his crops, or in any other way is about to defeat the lien hereinbefore provided for, accompanied with a statement of the amount then due, it shall be lawful for him to issue his warrant, directed to any of the Sheriffs of this State, requiring them to seize the said crop, and, after due notice, sell the same for cash, and pay over the net proceeds thereof, or so much thereof as may be necessary, in extinguishment of the amount then due: *Provided, however*, That if the person to whom such advances have been made shall, within thirty days after such sale has been made, give notice, in writing, to the Sheriff, accompanied with an affidavit, to this effect: that the amount claimed is not justly due—that then it shall be the duty of the said Sheriff to hold the proceeds of such sale, subject to the decision of the Court, upon an issue which shall be

made up and set down for trial at the next succeeding term of the Court of Common Pleas for the District in which the person to whom such advances have been made resides, in which the person making such advances shall be the actor.

A. D. 1866.

In the Senate House, the twentieth day of September, in the year of our Lord one thousand eight hundred and sixty-six.

W. D. PORTER, President of the Senate.

C. H. SIMONTON, Speaker House of Representatives.

Approved: JAMES L. ORR.

AN ACT TO AMEND THE LAW IN RELATION TO THE BONDS REQUIRED OF PUBLIC OFFICERS. No. \*4787.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the bonds of all public officers of this State, which have heretofore been required by law to be deposited in the office of the Treasurer of the Upper or Lower Division, shall be deposited in the office of the Treasurer of the State of South Carolina, within the several times now fixed by law; and all such bonds, except those of the Comptroller General, Secretary of State and Treasurer, shall be annually examined by a Board, to consist of the Secretary of State, Comptroller General and Treasurer of the State; and if any surety in either of the aforesaid officers' bonds should die or depart permanently from the State, or if the said Board should, at the time of their examination, or at any other time, be of opinion that either of the said sureties is not worth as much, clear of debt, as his proportion of the obligation to which his name is affixed, they, the said Board, shall cause the said public officer, whose surety has departed this life or removed from the State, or is objected to for insufficiency of estate, as aforesaid, to be notified of such exception; and the said officer shall, within thirty days after the service of such notification, procure other satisfactory surety to the said Board for such as have departed the State or died, (but shall not cancel or at all impair the original bond,) or produce satisfactory evidence to the said Board that the surety objected to as owning insufficient property, as aforesaid, is worth as much as his proportion of the said obligation, clear of debt, or else the said public officer shall procure such additional and sufficient surety or sureties as the said Board shall approve of; and in default of compliance with either of the said requisitions, within the said thirty days, the office of the said defaulting officer shall be regarded as vacant.

Place of deposit of bonds.

Sureties.

II. That the bond of the Comptroller General, Secretary of State and Treasurer, shall be annually examined by the Governor, and if any surety in either of the aforesaid officers' bonds should die or

Bonds to be examined by Governor.

A. D. 1866.

Sureties.

depart permanently from the State, or if the said Governor should, at the time of his examination, or at any other time, be of opinion that either of the said sureties is not worth as much, clear of debt, as his proportion of the obligation to which his name is affixed, he, the said Governor, shall cause the said public officer, whose surety has departed this life or removed from the State, or is objected to for insufficiency of estate, as aforesaid, to be notified of such exception; and the said officer shall, within thirty days after the service of such notification, procure other satisfactory surety to the said Governor for such as have departed the State or died, (but shall not cancel or at all impair the original bond,) or produce satisfactory evidence to the said Governor that the surety objected to as owning insufficient property, as aforesaid, is worth as much as his proportion of the said obligation, clear of debt, or else the said public officer shall procure such additional and sufficient surety or sureties as the said Governor shall approve of; and in default of compliance with either of the said requisitions, within the said thirty days, the office of the said defaulting officer shall be regarded as vacant.

Duty of the Treasurer.

III. That as soon after the ratification of this Act as practicable, the Treasurer shall furnish to the several Boards of Commissioners appointed to approve the security given by public officers, a statement of the names of the sureties and the amount of the bonds of the several District officers within their respective Districts, which said Board shall forthwith report in writing to the Treasurer whether any and which of said sureties have died, or removed permanently from the State, or are not worth as much, clear of debt, as his proportion of the obligation to which his name is affixed; whereupon the Treasurer shall cause a notice to be served on each public officer whose bond is reported as insufficient, and such public officer shall, within thirty days from the service of such notice, procure other security satisfactory to the said Treasurer, or produce evidence satisfactory to the Treasurer that the surety reported as insufficient is worth as much, clear of debt, as his proportion of the obligation to which his name is affixed; and the office of any public officer who shall fail to comply with the requisitions of this Section of this Act, within the said thirty days, shall be regarded as vacant.

Bonds of District officers.

IV. That every District officer hereafter to be elected or appointed, who is required to give bond for the faithful performance of the duties of his office, shall be required, within thirty days after such election or appointment, to have his said bond recorded in the office of the Register of Mesne Conveyances for the District in which such officer resides, and the Register shall keep a separate book, properly indexed, for the purpose of recording such bonds; which book shall be provided by the Commissioners of Public Buildings, and shall be entitled to exact a fee from the public officer of one dollar for recording his bond.

Board of Commissioners to approve public securities.

V. That the various persons now constituting the Board of Commissioners to approve the security offered by the various District officers shall continue to perform the duties now required by law until the adjournment of the next regular session of the General Assembly of this State; and the General Assembly shall, at its



next regular session, and at the expiration of every four years thereafter, appoint five persons in each Judicial District, who shall thereafter constitute a Board, to approve the security offered by the various District officers within their respective Districts, whose duty it shall be to examine annually into the condition, as to the solvency of the said bonds, and report thereon in writing to the Treasurer of the State on or before the first Monday in July in each year. In case of any vacancy in the said Board, before the expiration of the time for which they may have been appointed, such vacancy shall be filled by the Governor until the next regular period for appointment, and a majority of the Board shall constitute a quorum authorized to perform any duty required of them by law.

VI. If any person be aggrieved by the default of any of said District officers, and desire to sue upon the bond of such officer, it shall not be necessary for such person to obtain a certified copy of the bond of such officer from the Treasury of the State; but such certified copy from the Clerk of the Court where said bond is recorded shall be sufficient.

A. D. 1866.

In case of suit.

In the Senate House, the twentieth day of September, in the year of our Lord one thousand eight hundred and sixty-six.

W. D. PORTER, President of the Senate.

C. H. SIMONTON, Speaker House of Representatives.

Approved: JAMES L. ORR.

AN ACT TO MAKE APPROPRIATIONS TO MEET CERTAIN DEFICIENCIES IN THE APPROPRIATIONS FOR THE YEAR COMMENCING ON THE FIRST OF OCTOBER, IN THE YEAR OF OUR LORD ONE THOUSAND EIGHT HUNDRED AND SIXTY-FIVE. No. \*4788.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the following sums, for the specific purposes herein named, be, and the same are hereby, appropriated, to be paid out of any money remaining in the Treasury not otherwise appropriated, that is to say: For payment of contingent accounts remaining unpaid, four thousand seven hundred and seventy-five dollars and twenty-four cents, (\$4,775.24,) if so much be necessary; for payment of expenses attendant on the issue of Bills Receivable, four thousand four hundred and thirty-six dollars and twelve cents, (\$4,436.12,) if so much be necessary; for the payment of the last quarter's salary of the Treasurer of the Lower Division, five hundred dollars; for payment of claims remaining unpaid, two thousand dollars, (\$2,000,) if so much be necessary.

Contingent accounts.

Bills Receivable.

Claims unpaid.

A. D. 1866.

Expenses of  
Legislature  
for present  
session.

II. For expenses of the present session of the Legislature, twenty-five thousand dollars, (\$25,000,) if so much be necessary. The Attorney-General and Solicitors, the four Engrossing Clerks, the two Clerks and Assistant Clerks of the Senate and House of Representatives, the two Doorkeepers, two Messengers, and two Reading Clerks of the Senate and House of Representatives, to receive the same mileage and per diem as members of the Legislature. The two Pages appointed by the Senate shall each receive the sum of one dollar per diem during the session of the General Assembly. Three hundred dollars (\$300) for expenses of the agency for recording names of deceased soldiers, as per resolution passed December, in the year of our Lord one thousand eight hundred and sixty-five. Three hundred dollars for fitting up and furnishing a room for the Court of Appeals. For extraordinary expenditures, to aid the "Ladies' Memorial Association, of Charleston," in erecting head-stones and monuments to the Confederate dead, one thousand dollars, to be paid to the order of Mrs. M. A. Snowden. To Rev. C. Bruce Walker, for repairs of furniture for the Library of the University, one hundred dollars. For stationery furnished the Legislature, at the present session, to be paid to the order of the Clerks of the two Houses, as follows, viz: To the Clerk of the Senate, two hundred and thirty-seven dollars and eighty cents; to the Clerk of the House, five hundred and forty-nine dollars and fifty cents. For Theodore Stark, contingent expenses for the State House, eight hundred and thirty-five dollars and seventy-five cents (\$835.75). For J. A. Selby, for printing for the General Assembly, at the present session, three thousand dollars, if so much be necessary.

Extraordinary  
expenditures.

Stationery.

Printing.

In the Senate House, the twenty-first day of September, in the year of our Lord one thousand eight hundred and sixty-six.

W. D. PORTER, President of the Senate.

C. H. SIMONTON, Speaker House of Representatives.

Approved: JAMES L. ORR.

# No. \*4789. AN ACT TO PROVIDE FOR THE REDEMPTION OF BILLS RECEIVABLE ISSUED BY THIS STATE.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the faith and funds of the State be, and the same are hereby, pledged for the ultimate redemption of all such Bills Receivable as have already or may hereafter be issued under the provision of an Act entitled "An Act to provide for the issue of Bills Receivable in payment of indebtedness to the State, to the amount of five hundred thousand dollars," ratified the twenty-first

Faith and  
funds of the  
State pledged.

day of December, Anno Domini one thousand eight hundred and sixty-five.

A. D. 1866.

II. That the Treasurer be, and he is hereby, authorized and required to redeem the said Bills Receivable, which have already or hereafter may be issued under the provisions of said Act, by exchanging for all such bills as may be presented at the office of the Treasurer for redemption an equal amount of Treasury notes of the United States, or the notes of any National Bank; and for this purpose, he is hereby authorized to use any funds in the Treasury not otherwise appropriated.

Treasurer  
authorized to  
redeem.

In the Senate House, the twentieth day of September, in the year of our Lord one thousand eight hundred and sixty-six.

W. D. PORTER, President of the Senate.

C. H. SIMONTON, Speaker House of Representatives.

Approved: JAMES L. ORR.

AN ACT TO AMEND AND EXTEND THE OPERATION OF AN ACT No. \*4790.  
ENTITLED "AN ACT TO PROVIDE A MODE BY WHICH TO PERPETUATE TESTIMONY IN RELATION TO DEEDS, WILLS, CHOSSES IN ACTION, AND OTHER PAPERS AND RECORDS DESTROYED OR LOST DURING THE RECENT WAR."

*Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That an Act entitled "An Act to provide a mode by which to perpetuate testimony in relation to deeds, wills, choses in action, and other papers and records destroyed or lost during the recent war," be amended and extended in the following particulars:

Act amended.

I. That the affidavits required by the provisions of the first Section of said Act may be made before any person authorized to administer an oath in South Carolina.

Affidavits,  
before whom  
made.

II. In every case in which the defendant or defendants in any lost judgment or decree shall be absent from and beyond the limits of the State, in lieu of the notices required by the second Section of the said Act, it shall be sufficient to publish a thirty days' notice in the manner now prescribed for making absent parties defendants in Equity.

Absentees  
from the State.

III. If the defendant, or (if he be dead) his personal representatives, in any case provided for in the first and second Sections of the said Act, shall make oath to the purport therein required of the applicant, he shall be entitled to serve interrogatories for a discovery, with the same notice and in the manner prescribed for the applicant.

IV. Orders for leave to substitute new records, for records of judgments or decrees destroyed or lost, may be made at Chambers,

New records.



A. D. 1866.

Time for  
recording.

as well as in Term time, without consent of the parties: *Provided*, They have been served with notice as hereinbefore provided.

V. All instruments in writing, of which a record or registry is required by law, and of which the record or registry has been destroyed or lost, but the original preserved, and the substitutes provided in the said Act for such originals in case of their loss, shall be recorded within six months from the ratification of this Act; otherwise they shall not prevail as liens against subsequent purchasers for valuable consideration, nor creditors without notice.

Instruments  
in writing  
admitted in  
evidence.

VI. Office copies of all instruments in writing, which by law are required or permitted to be recorded, registered or filed in any public office, after thirty days' notice to the opposite party, and proof of the loss by the affidavit of the party offering to introduce them, as now required by law, shall be admitted in evidence: *Provided*, They are duly certified under the hand of the proper officer.

Copies  
recorded or  
registered.

VII. In all cases in which any instrument in writing is required by law to be recorded or registered, and such record or registry, together with the originals, is destroyed or lost, but a copy thereof, certified to under the hand of the proper officer, has been preserved, such certified copy shall be recorded or registered, and be in the room and stead of the original.

Fees.

VIII. The following fees (to be paid by the applicant) shall be allowed: On applications for leave to substitute judgments and decrees in the Common Pleas: To the Clerk, the fees now fixed by law for signing writs and subpoenas, for docketing, signing judgments, and recording the proceedings and satisfactions. To the Sheriff, the fees fixed by law for the entry and service of writs and subpoenas, together with mileage. To the Commissioner and Register in Equity, for application for leave to substitute decrees and money orders, the fees now fixed by law for petitions in Equity.

Extension of  
provisions.

IX. The provisions of the said Act, and of this Act, are hereby extended to all deeds, wills, choses in action, and other papers and records destroyed or lost since the passage of the said Act, or which may hereafter be destroyed or lost in any way whatever.

In the Senate House, the twentieth day of September, in the year of our Lord one thousand eight hundred and sixty-six.

W. D. PORTER, President of the Senate.

C. H. SIMONTON, Speaker House of Representatives.

Approved: JAMES L. ORR.

No. \*4791. AN ACT TO INCORPORATE THE STONEWALL FIRE ENGINE COMPANY, OF CHARLESTON.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That L. Sherfesse, G. Lamb Buist, and all persons who are now, or hereafter may become, members of the Stonewall Fire

Engine Company, of Charleston, be, and are hereby, constituted and declared a body politic and corporate, by the name and style of the Stonewall Fire Engine Company, of Charleston: *Provided*, That the said company, and the members thereof, shall at all times be subject to all laws and ordinances of this State, or of the city of Charleston, regulating the Fire Department of Charleston.

A. D. 1866.  
Name and  
style.

II. The said company, by its corporate name, shall have succession of officers and members, to be chosen and admitted according to its by-laws, and shall have power to make by-laws, not repugnant to the laws of the land; to have, keep and use a common seal, and the same to alter at will, and to sue and be sued, plead and be impleaded, in any Court in this State.

By-laws and  
seal.

III. This Act shall continue in force for fourteen years from the date of its ratification, and shall be deemed a public Act.

Public Act.

In the Senate House, the twentieth day of September, in the year of our Lord one thousand eight hundred and sixty-six.

W. D. PORTER, President of the Senate.

C. H. SIMONTON, Speaker House of Representatives.

Approved: JAMES L. ORR.

AN ACT TO REQUIRE THE COMMISSIONERS OF PUBLIC BUILDINGS FOR GREENVILLE AND PICKENS DISTRICTS TO PAY OVER FUNDS TO THE COMMISSIONERS OF THE POOR OF SAID DISTRICTS, RESPECTIVELY. No. \*4792.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the Commissioners of Public Buildings for the Districts of Greenville and Pickens be, and are hereby, directed and required to pay over to the Commissioners of the Poor for said Districts, respectively, out of the funds received by licenses on distilleries, the sum of four thousand dollars: *Provided*, So much remains, after the passage of this Act, in the hands of said Commissioners of Public Buildings, unexpended; and if that amount shall not be so remaining, then the said Commissioners shall pay over, as herein directed, any less sum which may be remaining.

Funds to be  
paid over.

Proviso.

II. That all Acts and parts of Acts inconsistent with this Act be, and the same are hereby, repealed.

Repeal of  
Acts.

In the Senate House, the twentieth day of September, in the year of our Lord one thousand eight hundred and sixty-six.

W. D. PORTER, President of the Senate.

C. H. SIMONTON, Speaker House of Representatives.

Approved: JAMES L. ORR.

A. D. 1866.

## AN ACT TO INCORPORATE THE PEOPLE'S MAIL STEAMSHIP COMPANY.

No. \*4793.

Name and style.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That Archibald Getty, Theodore D. Wagner, James T. Welsman, James E. Brett, George W. Williams, Roland W. Griffith and Theodore Clancy, their associates and successors, be, and they are hereby, incorporated into a body corporate and politic, under the name and style of the People's Mail Steamship Company, for the purpose of building, equipping, purchasing, chartering, navigating and owning vessels, to be propelled, in part or in whole, by steam or other motive power, and to be employed in all lawful commerce and navigation upon the ocean and seas, and for the transportation of freight, passengers and mails between the ports of New York, in the State of New York, and Charleston, in the State of South Carolina.

Rights and powers.

II. That said company shall, under the name and style of the People's Mail Steamship Company, have succession, and be able and capable to sue and be sued, plead and be impleaded, in law or in equity, to have a common seal, and the same to alter, and to purchase, have and hold all wharves, land and easements necessary for the proper loading and unloading, receiving and delivering, merchandize transported and to be transported, to make and establish such by-laws and regulations as they may deem expedient, not contravening this charter: *And, further*, To have and exercise all such rights and powers as are, or may be, incident to a corporation, having for its object the transportation of goods, wares and merchandize, passengers and mails, by means of steam vessels.

Amount of capital stock.

III. That the capital stock of said company shall be two hundred and fifty thousand dollars, and be divided into shares of one hundred dollars each, with the privilege to the said company to increase the said capital stock five hundred thousand dollars; and the persons holding said stock shall be entitled to one vote for each share of the stock held by them, and may vote either in person or by proxy.

Board of Directors.

IV. That the management of the affairs of said corporation shall be entrusted to a Board of five Directors, who shall be annually elected by, and from, the stockholders, at such time and place as shall be prescribed by the by-laws of said corporation, and said Directors shall, immediately after the election, choose one of their number to be President of said corporation for the term of one year, and said President and Directors shall have power to appoint all agents and officers necessary for the proper transaction and management of the affairs of said corporation; and that, until such annual election shall be held, Theodore D. Wagner, Archibald Getty, George W. Williams, James E. Brett and Boland W. Griffith shall act as Directors of said corporation.

Public Act.

V. This Act shall continue of force for the term of fourteen years from the date of its ratification, and shall be deemed a public Act.

In the Senate House, the twenty-first day of September, in the year of our Lord one thousand eight hundred and sixty six.

W. D. PORTER, President of the Senate.

C. H. SIMONTON, Speaker House of Representatives.

Approved: JAMES L. ORR.



AN ACT TO AMEND AN ACT ENTITLED "AN ACT TO ESTABLISH  
DISTRICT COURTS."

A. D. 1866.

No. \*4794.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, as follows: That an Act to establish District Courts, passed on the twentieth day of December, in the year of our Lord one thousand eight hundred and sixty-five, be, and the same is hereby, repealed, except as to its first and second Sections, to wit: In each Judicial District of the State, except Charleston, there shall be established a District Court, which shall be organized by the Judge thereof as soon as possible after his election; except in the Judicial District of Charleston there shall be established two District Courts, one for the Election District of Charleston and one for the Election District of Berkeley. The Judge of each District Court shall receive from the Treasurer of the State a salary of five hundred dollars a year, payable quarterly, and he shall be entitled, for a further compensation, to receive annually, from the District Court Fund, as hereafter prescribed, an additional sum, to be paid quarterly on his own draft, as follows: For Abbeville District, seven hundred dollars; Barnwell District, seven hundred dollars; Colleton District, one thousand dollars; Chester District, five hundred dollars; Darlington District, five hundred dollars; Edgefield District, eight hundred dollars; Fairfield District, five hundred dollars; Georgetown District, one thousand dollars; Laurens District, five hundred dollars; Newberry District, five hundred dollars; Orangeburg District, five hundred dollars; Richland District, one thousand dollars; Sumter District, seven hundred dollars; Union District, five hundred dollars; York District, five hundred dollars; Williamsburg District, five hundred dollars; Berkeley Election District, one thousand dollars; Charleston Election District, one thousand dollars; Beaufort District, one thousand dollars; Kershaw District, five hundred dollars; and for the District Judge of each of the other Judicial Districts of this State, five hundred dollars: *Provided, however*, That in case the District Court Fund in any District shall prove insufficient for the purpose for such additional compensation, as herein provided, no claim for the whole or any part of such additional compensation; upon the Treasury of the State, shall arise by reason of such deficiency: *And provided, also*, That the time when the salaries herein provided for shall commence shall be when the Court is organized, and the Judge is empowered to execute this Act.

Parts of Act repealed.

Courts established.

Salaries of Judges.

Proviso.

II. That the District Courts heretofore established by law be organized by the Judge thereof, immediately after the passage of this Act, and that each of the said Judges, respectively, shall receive the salary heretofore provided by law.

Courts to be organized immediately.

III. The Clerk and Sheriff of the several Judicial Districts of the State shall act as the Clerk and Sheriff of the District Court, or Courts, within their respective Districts, and may perform their duties in person or by deputy. The Judge, Clerk and Sheriff of a District Court, shall each, before entering on the duties of his office, take the official oath prescribed by the Constitution of the

Clerk and Sheriff of District Courts.

A. D. 1866.

Power of  
District Courts.

State, and also the oath or oaths required specially to be taken by the incumbents of such offices in the Superior Courts.

Prosecutions,  
by whom con-  
ducted.

IV. That the District Court shall have exclusive jurisdiction, subject to the right of appeal to the Appeal Court, in all cases of larceny and misdemeanor, in all cases of vagrancy, and in all cases of bastardy arising within the limits of the Election District in which they are established.

Causes triable  
in District  
Court.

V. All prosecutions in the District Courts shall be conducted by the Attorney General or by the Solicitor of the Circuit to which the District Court belongs, or by a deputy appointed by such Attorney General or Solicitor; or, in the absence of these, by an attorney appointed by the District Judge.

Examinations  
to be made by  
District  
Judges.

VI. The District Court shall have concurrent jurisdiction, subject to appeal as aforesaid, with the Court of Common Pleas, in all civil causes in which the title to land is not involved, and in which the debt sued for, or the amount of damages claimed, does not exceed one hundred dollars; and the sum which limits the proceedings by summary process, in all Courts of law, is enlarged to one hundred dollars, exclusive of costs; and exclusive jurisdiction in all matters of contract between employer and employee, master and apprentice, where the amount exceeds twenty dollars.

Officers subject  
to supervision  
of District  
Judge.

VII. The Judge of the District Court shall be invested with power to examine and supervise all prosecutions, commitments and warrants of arrest commenced before or issued by any Magistrate within his District, for any misdemeanor; and it shall be his duty, upon application made to him, to examine into the merits of the same at any time before trial, and to direct the discontinuance thereof, on such terms and conditions as may seem to him most conducive to the ends of justice; and for this purpose he is authorized to summon before him the parties and such witnesses as may be necessary.

*Habeas corpus.*

VIII. The Judge of the District Court shall, in all respects, have the power of a Magistrate of his District. He shall exercise supervision over the Clerk and Sheriff of his Court in all matters appertaining to the jurisdiction and business of said Court; also over the Coroner, all Magistrates, Constables and Boards of Commissioners of his District, and from him to any of them may proceed orders, rules, attachments or writs of mandamus, prohibition, *certiorari quo warranto*, or *sciri facias*.

District Judge  
to have power  
of two Magis-  
trates.

IX. The Judge of the District Court shall have the power, and be subject to the duties, and be liable to the penalties, in respect to *habeas corpus*, conferred and imposed upon two Magistrates, under the ninth Section of the "Act concerning the office and duties of Magistrates," passed the twenty-first day of December, Anno Domini one thousand eight hundred and thirty-nine; he may admit to bail in all cases bailable, and in all cases triable in his Court, and may also exercise jurisdiction, under *habeas corpus*, at Common Law, in all cases within his District, except that he shall not have the power to discharge or let to bail any person charged with a felony not clergyable after a true bill has been found.

X. The Judge of the District Court shall have the power given to two Magistrates by the "Act for the promotion of industry and for the suppression of vagrants and other idle and disorderly per-

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sons," ratified on the twenty-eighth day of March, Anno Domini one thousand seven hundred and eighty-seven, and shall likewise have the power which two Magistrates have under the twenty-third Section of "An Act concerning the office and duties of Magistrates," ratified on the twenty-first day of December, Anno Domini one thousand eight hundred and thirty-nine, in respects to tenants holding over; and, in case of a tenant holding over, or of an issue of fact under the Prison Bounds Act, or in any other case when, by law, there is provision made for trial by a jury of one or more Magistrates, the District Judge may organize a jury as Magistrates are now directed to do, and have trial before himself, or may take the case in his own Court, and submit to a jury organized there as hereinafter provided. In all such cases, except those in relation to tenants holding over, of forcible entry and detainer, and of issues under the Prison Bounds Act, there shall exist a right of appeal to the Circuit Court at Chambers, or in open Court, who shall have power to reverse the decision, grant a new trial, or order an issue to be made up to be tried in the Circuit Court.

XI. The District Court shall be a Court of Record, and shall be always open. It shall have the same power and jurisdiction, subject to the right of appeal to the Appeal Court, as the Superior Court in Law in reference to Constables, jurors and punishment for contempt. It shall have jurisdiction in all cases of tenants holding over, cases of forcible entry and detainer, cases under the Insolvent Debtors' Act, where the arrest and detention are under process of the District Court, all cases under Prison Bounds Act, and all matters of District police; and the Judge of the District Court shall have discretionary power to hear and determine all cases, civil and criminal, within the jurisdiction of the same, without submitting them to a jury, provided neither party shall demand a jury trial: *Provided*, An appeal may be had to the Court of Appeals in all cases tried before the said Court in which appeals are now allowed by law from the Circuit Courts, and in no other case whatever. It shall sit in such place as may be furnished by the Commissioners of Public Buildings, who are hereby required to provide a suitable place, which shall be held at the Court House of the District; except in Berkeley, in which the places shall be fixed by the District Judge, and in the District of Beaufort, where the Court shall be held alternately at the Court House in the town of Beaufort and at Lawtonville.

District  
Court to be a  
Court of Re-  
cord.

Right of ap-  
peal.

XII. The District Court shall hold quarterly sessions, and the Judges of the Court of Appeals shall, from time to time, fix the days of the quarterly session of the District Court. They shall also, from time to time, make rules and prescribe short and simple forms for the transaction of business and the conduct of causes in the District Court.

Quarterly  
sessions.

XIII. The Judge of the District Court may practice in the Superior Court, except in cases which have been argued before him or heard in his Court; but he shall not have a partner in the practice of law and equity in the District of which he is a Judge.

Privilege of  
Judge.

XIV. The return day of the quarterly session of the District Court shall be ten days before the first day of the sitting thereof.

Return day.



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Fees of Clerk  
and Sheriff—  
by whom paid.Journals to  
be kept.Vacancy—by  
whom filled.Rules of  
practice.Fines—to  
whom paid.Duty of Clerk  
of Court.

Fees and costs.

XV. All fees of the Clerk and Sheriff shall be paid in cash, by the party requiring the services, and, according to the judgment of the Court, may or may not be recovered from the opposite party.

XVI. The Clerk shall keep, separately, for the District Court, the docket rules book and journals, as prescribed by law for the Superior Courts, to be furnished him by the Commissioners of Public Buildings, and shall file all papers in the mode prescribed in seventh Section A. A. 1839, 11th Statutes at Large, p. 70, but he shall enter all judgments and decrees in the book of abstracts of judgments and decrees along and in chronological order with the judgments and decrees of the Superior Courts. The Sheriff shall enter all papers and sales in the books now kept by law in his office.

XVII. In case of a vacancy in the office of District Judge, by death, resignation or otherwise, the Governor shall immediately appoint a successor, who shall hold office until a Judge shall be appointed by the Legislature, and shall have qualified. During his continuance in office he shall hold no other office of profit or trust in this State, or the United States.

XVIII. The rules of practice which prevail in the Superior Courts shall be applied to the District Court, unless otherwise specially provided by the rules to be made by the Court of Appeals, or by Act of the Legislature; but no rule or order of any Court or Judge in this State shall require the printing by a party to a suit of any report, brief, or other paper connected with appeals.

XIX. All fines imposed by the District Court shall be paid to the Commissioners of Public Buildings of the Judicial District in which the Court is located; but all fines imposed by the Court of General Sessions shall constitute a part of the District fund, and in Charleston District be equally divided between the District Courts of Charleston and Berkeley. And the said District Fund, in addition to the said fines, shall consist of a docket fee of one dollar, in civil cases in which the amount demanded is under fifty dollars, and two dollars if the sum demanded exceeds that amount; two dollars in every criminal cause, and two dollars for the report in every case of appeal; the said docket fees to be paid by the same parties who are liable for the other fees in the case by the provisions of this Act.

XX. The District Fund shall be held by the Clerk of the Court, under the security of his official bond. He shall keep an exact account thereof in a separate book kept for the purpose, in which he shall enter all money received and all money paid on the draft of the District Judge, without which he will make no payment. He shall make semi-annual returns of said account to the District Judge, and annual returns to the Comptroller General, on or before the first of October, accompanied by vouchers.

XXI. The fees for attorneys, Attorney General, the Solicitors and their Deputies, Sheriffs and Clerks, shall be the same in the District Court as now provided by law in the Superior Court. In a criminal case, if the accused be convicted, he shall be liable to all the costs of prosecution. If collection from the convict cannot be had, then the State shall be liable for one-half of said costs. If the accused be acquitted, the Judge before whom the trial shall be

had, if he has become satisfied during the trial that the prosecution was without probable cause, may order that the prosecutor shall pay the costs of the prosecution, for which the Clerk shall issue execution. As soon after the organization of the District Court as may be practicable, the Judge thereof shall order a special Court, at which he shall cause to be drawn a full panel of grand and petit and pleas jurors, in the manner prescribed by law for the Superior Courts, and at each term of the District Court thereafter jurors shall be drawn in the manner now prescribed by law for the Superior Court.

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In the Senate House, the twenty-first day of September, in the year of our Lord one thousand eight hundred and sixty-six.

W. D. RORTER, President of the Senate.

C. H. SIMONTON, Speaker House of Representatives.

Approved : JAMES L. ORR.

AN ACT TO PROVIDE FOR THE FUNDING OF THE INTEREST AND PRINCIPAL OF CERTAIN STOCKS AND BONDS OF THE STATE PAST DUE. No. \*4795.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That immediate provision be made for funding the following debt of South Carolina, to wit : Three hundred and ten thousand dollars, now past due, as the principal of bonds of the State issued by virtue of an Act of the Legislature, passed in December, in the year of our Lord one thousand eight hundred and fifty-nine, together with the interest on said bonds ; the interest on an issue of bonds to the amount of one million of dollars, under an Act of the Legislature, passed in the year of our Lord one thousand eight hundred and fifty-four ; and the interest on an issue of bonds to the amount of five hundred thousand dollars, issued under an Act passed in December, in the year of our Lord one thousand eight hundred and fifty-three, for the building of the new State House ; likewise, the interest on one million seven hundred and seventy-five thousand dollars of six per cent. stock, issued for the purpose of building the new State House, under several Acts of the Legislature, passed in the years one thousand eight hundred and fifty-six, fifty-seven, fifty-eight, fifty-nine, sixty-one and sixty-three, the said interest to be calculated as due

Debt of the  
State of South  
Carolina.

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up to the date of the first day of July, one thousand eight hundred and sixty-seven, without charging interest upon interest of any portion of the arrear of interest.

Manner of  
payment.

II. For the purpose of effecting the above provision, it shall be the duty of the Comptroller General and of the Treasurer of the State to prepare for the Governor a statement, showing the aggregate amount of the indebtedness above recited; and it shall be the duty of the Governor, as soon as practicable thereafter, to cause to be prepared bonds of the State of the amounts of one hundred, five hundred and one thousand dollars, amounting in the whole to the sum of said indebtedness, the said bonds to be payable, one-half on the first day of January, one thousand eight hundred and eighty-seven, and the other half on the first day of January, one thousand eight hundred and ninety-seven, at the Treasury, in Columbia, with half-yearly coupons, for an interest of six per cent. per annum, attached thereto, payable in the city of Columbia; the bonds themselves to be signed by the Governor and countersigned by the Comptroller General, and the coupons to be signed by the Treasurer; and the coupons on the said bonds shall begin to run from the first day of July, one thousand eight hundred and sixty-seven, the first half-yearly coupon being due on the first of January, one thousand eight hundred and sixty-eight.

Duty of the  
Governor.

III. It shall be the duty of the Governor to call, by a proclamation, on all holders of the bonds issued under the Act of one thousand eight hundred and fifty-nine, now past due, and upon all persons holding coupons past due, or to whom interest is due on the indebtedness above recited, to come forward and receive, at the Treasury of the State, in lieu of the existing evidences of indebtedness in their hands, or by satisfactory extinguishment of the same, the bonds hereby directed to be prepared, and the funds and faith of the State are hereby pledged to the payment of the bonds and coupons issued as above.

Privilege of  
creditors.

IV. That the creditors of the State, called in by the proclamation of the Governor as aforesaid, may, upon the presentation of their claims at the Treasury, if preferred by them, receive, in lieu of the bonds aforesaid, a certificate of stock from the Treasurer for the amount of the sums due them respectively.

Form of cer-  
tificates.

V. That the certificates of stock herein provided for shall be in the form following, to wit: "Treasury of the State of South Carolina,       day of       . In pursuance of an Act of the Legislature of South Carolina, passed on the       day of       , I do hereby certify and declare that there is due from the State of South Carolina to       the sum of       dollars, redeemable at the Treasury, in Columbia, on the first day of January, in the year of our Lord one thousand eight hundred and eighty-seven, bearing interest, payable half-yearly, at the Treasury of this State, at the rate of six per cent. per annum, on the first days of January and July of each year, until the debt be redeemed, which debt is duly recorded in the books of the Treasury, and transferable there only."



VI. The holder of stock, bonds or coupons must pay the difference, if there be any, between the amount presented and the bonds, either in State Treasury notes or United States currency.

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Difference—  
by whom paid.

In the Senate House, the twenty-first day of September, in the year of our Lord one thousand eight hundred and sixty-six.

W. D. PORTER, President of the Senate.

C. H. SIMONTON, Speaker House of Representatives.

Approved: JAMES L. ORR. |

AN ACT TO ALTER AND FIX THE TIMES FOR HOLDING THE No. \*4796.  
COURTS OF COMMON PLEAS IN THIS STATE.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by authority of the same, That from and after the ratification of this Act, the Judges of the Superior Courts of Law in this State shall hold the first and next sitting of the Court of Common Pleas, for the trial of civil cases arising *ex contractu* in the several Circuits now established by law in this State, in the ensuing spring, at the times and places in each District already established by law.

Times for  
holding the  
Courts.

II. That all writs and other process of the said Courts, mesne and final, now made returnable to the fall terms heretofore established, except mesne process in cases of tort, shall be returnable to the spring terms of the Court, in the year of our Lord one thousand eight hundred and sixty-seven, the same as if already so directed; and that the same rules of imparlance and the same order of proceedings now existing shall apply to the Courts established by the first Section of this Act.

Writs, &c.,  
returnable to  
Spring Term.

III. That all writs in cases of tort shall be returnable, as heretofore provided by law, to the regular terms of the Courts as now established; and it shall be the duty of the Clerks of the Court of Common Pleas to prepare dockets of all cases of tort for the regular terms of their respective Courts.

Duties of the  
Clerks.

IV. That no Court of Equity shall be held in this State before the first day of February, in the year of our Lord one thousand eight hundred and sixty-seven: *Provided*, That nothing herein contained shall be so construed as to prevent the hearing of motions and cases at Chambers as now provided by law.

Court of  
Equity—time  
to hold.

V. That nothing in this Act contained shall prevent Judges of the Court of Common Pleas and General Sessions from hearing and determining applications for the substitution of judgments and decrees destroyed or lost during the late war, as heretofore.

A. D. 1866.  
 Repeal of Acts.

VI. That all Acts and parts of Acts of the General Assembly of this State in conflict with the provisions of this Act be, and the same are hereby, repealed.

In the Senate House, the twenty-first day of September, in the year of our Lord one thousand eight hundred and sixty-six.

W. D. PORTER, President of the Senate.  
 C. H. SIMONTON, Speaker House of Representatives.

Approved: JAMES L. ORR.

No. \*4797. AN ACT TO PROVIDE FOR THE ESTABLISHMENT OF A PENITENTIARY.

Sum appro-  
 priated.

I. *Be it enacted* by the Senate and House of Representatives of the State of South Carolina, now met and sitting in General Assembly, and by the authority of the same, That for the purpose of commencing the establishment of a Penitentiary in this State, the sum of twenty thousand dollars be, and is hereby, appropriated, to be paid out of any money in the Treasury, and drawn and expended by certain Commissioners hereinafter named.

Commission  
 to be appoint-  
 ed by the Gov-  
 ernor.

II. That a Commission, consisting of three persons, to be styled Commissioners of the Penitentiary, shall be appointed by his Excellency the Governor, whose duty it shall be to select and procure a proper site, at some point, if practicable, where water power may be made available for manufacturing purposes, within the enclosure, on which to erect suitable penitentiary buildings, with sufficient space to enlarge and improve the same from time to time, as may be necessary.

Duties of the  
 Commission.

III. That it shall be the duty of said Commissioners to erect, as soon as practicable, a suitable temporary enclosure and temporary cells for the safe keeping of not less than one hundred convicts; and, upon the completion of said enclosure and cells, or any part of them, to receive and detain, under regulation to be hereafter prescribed by the Governor, such convicts as may be committed to them by sentence of any of the Judges of this State.

Keeper to be  
 appointed by  
 the Governor.

IV. That upon notice that an enclosure and cells are prepared for the reception of convicts, it shall be the duty of his Excellency the Governor to appoint a keeper, assistant keeper, and such other officers, guards and overseers as shall, from time to time, be necessary, to subsist, govern, guard and direct the labor of said convicts, and to make all such regulations as shall be requisite for their safe-keeping and subsistence, and for directing their labor, either within or without the enclosure, to getting out material and constructing, as far as is practicable, the necessary permanent buildings and

enclosures, and to such other available branches of industry as will best contribute to the support of the institution.

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V. That it shall be the duty of the said Commissioners, under the advice and with the assistance of his Excellency the Governor, to procure plans, specifications and estimates for such permanent enclosure and buildings as shall be deemed necessary for early use, and report the same, together with a full account of their transactions, under the authority hereby conferred upon them, to the General Assembly, at its ensuing regular session.

Commissioners to procure plans, &amp;c.

In the Senate House, the twenty-first day of September, in the year of our Lord one thousand eight hundred and sixty-six.

W. D. PORTER, President of the Senate.

C. H. SIMONTON, Speaker House of Representatives.

Approved: JAMES L. ORR.

AN ACT TO DECLARE THE RIGHTS OF PERSONS LATELY KNOWN No. \*4798.  
AS SLAVES AND AS FREE PERSONS OF COLOR.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That all persons hitherto known in law in this State as slaves, or as free persons of color, shall have the right to make and enforce contracts, to sue, be sued, to be affiants, and give evidence, to inherit, to purchase, lease, sell, hold, convey and assign real and personal property, make wills and testaments, and to have full and equal benefit of the rights of personal security, personal liberty and private property, and of all remedies and proceedings for the enforcement and protection of the same, as white persons now have, and shall not be subjected to any other or different punishment, pain or penalty for the commission of any act or offense than such as are prescribed for white persons committing like acts or offenses.

Rights declared.

II. That all Acts and parts of Acts specially relating to persons lately slaves and free persons of color contrary to the provisions of this Act, or inconsistent with any of its provisions, be, and the same are hereby, repealed: *Provided*, That nothing herein contained shall be construed to repeal so much of the eighth Section of an Act entitled "An Act to establish and regulate the domestic relations of persons of color and to amend the law in relation to paupers and vagrancy," ratified the twenty-first day of December, in the year of

Acts repealed.

Proviso.



A. D. 1866.

our Lord one thousand eight hundred and sixty-five, as enacts that "marriage between a white person and a person of color shall be illegal and void."

In the Senate House, the twenty-first day of September, in the year of our Lord one thousand eight hundred and sixty-six.

W. D. PORTER, President of the Senate.

C. H. SIMONTON, Speaker House of Representatives.

Approved: JAMES L. ORR.

NO. 4776. AN ACT TO RAISE SUPPLIES FOR THE YEAR COMMENCING IN OCTOBER, ONE THOUSAND EIGHT HUNDRED AND SIXTY-SIX.

ARTICLES TAXED "AD VALOREM."

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That a tax for the sums and in the manner hereinafter mentioned, shall be raised and paid into the Treasury of this State, for the use and service thereof, that is to say: Upon the following articles there shall be an *ad valorem* tax paid as property, according to its assessed value, viz: On all real estate, thirty cents on every hundred dollars, except such lands as may be in the possession of the Freedmen's Bureau on the first day of January next; on the capital stock of all gas light companies, fifty cents on every hundred dollars; on articles manufactured for sale, barter or exchange, between the first day of January, one thousand eight hundred and sixty-six, and the same day of January, one thousand eight hundred and sixty-seven, one dollar on every hundred dollars, to be paid by the manufacturers; on the gross amount of all spirituous liquors, except on liquors manufactured in this State from fruits in their season, sold from the first day of January, one thousand eight hundred and sixty-seven, to the thirty-first day of December, one thousand eight hundred and sixty-seven, ten per cent., to be paid quarterly to the Tax Collectors of their respective Districts; on buggies, carriages, gold and silver plate, watches, jewelry and pianos on hand on the first day of January, one thousand eight hundred and sixty-seven, except when held by dealers for the purposes of sale, one dollar on every hundred dollars.

Tax on real estate, lands in possession Freedmen's Bureau excepted.)

Gas light companies.

Manufactured articles.

Spirituous liquors.

Buggies, carriages, gold and silver plate, watches, jewelry, pianos

## TAX ON INCOMES.

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Upon all gross incomes, derived from the following sources, there shall be paid a tax of the per cent. herein specified on the aggregate amount received, between the first day of January, one thousand eight hundred and sixty-six, and the first day of January, one thousand eight hundred and sixty-seven, to wit: From employments, faculties and professions, including the profession of dentistry, (whether in the profession of the law the profits be derived from the costs of suit, fees, or other sources of professional income,) excepting clergymen, two dollars on every hundred dollars; on commissions received by brokers, vendue masters, factors, commission merchants, dealers in exchange, (foreign or domestic,) or in mortgages, bonds and other negotiable papers, five dollars on every hundred dollars; on the gross amount of premiums received by insurance companies incorporated within this State, two dollars on every hundred dollars; on the gross amount of premiums received by agencies of insurance companies and underwriters incorporated without the limits of this State, three dollars on every hundred dollars; on the gross amount of the receipts of express companies, ten dollars on every hundred dollars, to be paid to the Treasurer of the State; on the gross amount of the receipts of telegraph companies, five dollars on every hundred dollars; on the gross amount of receipts from the sale of pictorial newspapers or pictorial magazines, twenty-five dollars on every hundred dollars; on the gross receipts of newspapers published in this State, two dollars on every hundred dollars; on the amount of sales of goods, wares, merchandise, embracing all the articles of trade for sale, barter or exchange (spirituous liquors and the products of this State, and the unmanufactured products of any of the United States or Territories thereof, excepted,) which any person shall have made from the first day of January, of the present year, to the first day of January, in the year of our Lord one thousand eight hundred and sixty-seven, sixty cents on every hundred dollars; on the amount of sales of goods, wares and merchandise, embracing all the articles of trade for sale, barter or exchange (spirituous liquors and the products of the State, and the unmanufactured products of any of the United States or Territories thereof, excepted,) which any person shall make from the first day of January, one thousand eight hundred and sixty-seven, to the first day of January, one thousand eight hundred and sixty-eight, to be paid quarterly, at the end of each quarter, to the several Tax Collectors, fifty cents on every hundred dollars; on the gross profits of national banks, two dollars on every hundred dollars; on the incomes derived from the arts of photographing and daguerreotyping, one dollar on every hundred dollars; on all incomes, amounting to more than five hundred dollars per annum, derived from salaries, rents, dividends and money at interest, in excess of five hundred dollars, one dollar on every hundred dollars; on the incomes derived from saw mills, flour mills and grist mills, and also from cotton ginned on toll, two dollars on every hundred dollars; on the gross incomes of all railroads, (not exempted by law,) one dollar on every hun-

Tax on incomes.

Faculties, professions, clergymen excepted.

Brokers, vendue masters, factors, commission merchants, dealers in exchange, &amp;c.

Insurance companies.

Agencies of insurance companies, &amp;c.

Express companies.

Telegraph companies.

Pictorial newspapers, &amp;c.

Sales of goods, &amp;c., for the year 1866.

Sales of goods, &amp;c., for the year 1867.

National banks.

Photographing, &amp;c.

Incomes from salaries, &amp;c.

From saw mills, &amp;c.

Railroads.

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|---------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| A. D. 1866.               | dred dollars: <i>Provided</i> , That where a part of a railroad only is within the limits of this State, the return of its income shall bear the same ratio to its whole income as the length of the road in this State bears to its whole length; all persons keeping a hotel, shall pay a tax of two dollars on every hundred dollars; all persons keeping restaurants or eating houses, shall pay a tax of two dollars on every hundred dollars of gross income; all persons keeping livery stables, shall pay a tax of two dollars on every hundred dollars of gross income; all butchers and hucksters, two dollars on every hundred dollars of gross income; all persons keeping billiard tables, shall pay a tax of five dollars on every hundred dollars of gross income; all persons keeping bowling alleys, shall pay a tax of five dollars on every hundred dollars of gross income; all persons keeping bar rooms, whether connected with a hotel or otherwise, shall pay a tax of ten dollars on every hundred dollars of gross income; all persons keeping ferries, shall pay a tax of one dollar on every hundred dollars of gross income; all persons keeping toll gates, shall pay a tax of one dollar on every hundred dollars of gross income; each person or company, keeping a public race track, shall pay a tax of one hundred dollars; upon every taking out of a charter, except charters for religious, charitable and educational purposes, shall be levied a tax of twenty dollars; upon each renewal of a charter, liable to tax under this Act, ten dollars; upon each public hack, stage coach, dray and baggage wagon, there shall be paid a tax of ten dollars; on each omnibus, twenty-five dollars. |
| Hotels.                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| Restaurants.              |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| Livery stables.           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| Butchers and hucksters.   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| Billiard tables.          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| Bowling alleys.           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| Bar rooms.                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| Ferries.                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| Toll gates.               |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| Race tracks.              |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| Charters and renewals of. |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| Public hacks, &c.         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| Omnibus.                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |

## TAXES IMPOSED FOR CERTAIN PRIVILEGES.

|                                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
|-------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Certain privileges.                 | The following taxes shall be paid by the parties herein specified for the privilege exercised by them respectively, to wit: All persons representing publicly for gain or reward any plays, comedy, tragedy, interlude or farce, or other employment of the stage, or any part therein, or exhibiting wax works or other shows of any kind whatsoever, to be paid into the hands of the Clerks of the Courts, (or Magistrate in the absence of the Clerk,) respectively, (who shall be bound to collect and pay the same into the public Treasury, excepting in cases where the same is now required by law to be paid to corporations or otherwise,) ten dollars per day; all circus exhibitions, to be paid at the time, fifty dollars per day; each and every person keeping a dog or dogs, except one for each plantation, and one for each inhabited lot in cities, towns and villages, shall pay one dollar for each dog. |
| Exhibition of plays, wax-works, &c. |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| Circus exhibitions.                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| Dogs.                               |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |

## SPECIAL TAX.

|                                                       |                                                                                                                                                                                                                                                                                                                                            |
|-------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Special tax. Capitation tax, maimed persons excepted. | The following special tax shall be levied, to wit: A capitation tax of one dollar per head on every male between the ages of twenty-one and fifty, resident in the State on the first day of February, one thousand eight hundred and sixty-seven, except those incapable of earning a support from being maimed, or from any other cause. |
| When taxes are to be paid.                            | II. All taxes levied on property, as prescribed in this Act, shall be paid to the Tax Collector for the District or Parish in which said                                                                                                                                                                                                   |



property is located, except that the tax levied by this Act on railroad companies, express companies and telegraph companies be returned to and paid directly into the Treasury of the State.

III. Every employer shall make returns of the names of all persons that are employed by him, and may pay the tax of such person or persons, in which case the tax receipt shall be a good and valid set off in any action for wages by such employee against such employer.

A. D. 1866.

Employers shall return and may pay taxes of employees.

IV. That the lots and houses on Sullivan's Island shall be returned to the Tax Collector of the Tax District in which they are situated, in the same manner as other town lots and houses, and shall be liable to the same rates of taxation.

Houses and lots on Sullivan's Island.

V. That the taxes herein levied shall be paid only in gold and silver coin, United States Treasury notes, or notes declared to be a legal tender by the Government of the United States, or notes of National Banks, or the bills receivable of this State; and also pay certificates of jurors and Constables for attendance on the Courts. The Tax Collectors of the several collection Districts shall be allowed, on all sums of money paid into their hands for taxes, a commission as follows, that is to say: The Tax Collectors of Abbeville, Anderson, Barnwell, Chester, Clarendon, Darlington, Edgefield, Kershaw, Laurens, Newberry, Orange, Richland, Spartanburg, Sumter, Union, York, Marion, St. Phillip's and St. Michael's, at the rate of four per cent.; the Tax Collectors of Chesterfield, Fairfield, Greenville, Lancaster, Lexington, Marlboro, Pickens, St. Matthew's, Prince George's Winyah, St. Bartholomew's, Williamsburg, at the rate of six per cent.; the Tax Collectors of All Saints', Christ Church, Horry, Prince William's, St. George's Dorchester, St. Helena, St. James' Goose Creek, St. James' Santee, St. John's Berkeley, St. John's Colleton, St. Peter's, St. Stephen's, at the rate of eight per cent.; the Tax Collectors of St. Andrew's, St. Luke's, St. Paul's, St. Thomas and St. Dennis, at the rate of ten per cent.:

Taxes to be paid in coin, &amp;c.

Commissions of Tax Collectors.

*Provided*, That in any District where the gross amount of taxes paid in shall exceed the sum of thirty thousand dollars, the commissions of the Tax Collectors shall be two per cent. on such excess. Tax Collectors shall make their returns at the Treasury, in Columbia, on or before the first of July, one thousand eight hundred and sixty-seven.

Form of returns of Tax Collectors.

VI. No Tax Collector or Assessor shall receive his commissions until their returns have been received at the Treasurer's office, and been approved by him.

Not to be paid until returns have been made.

Assessors.

VII. That the Assessors of the several Districts are hereby required to prepare and return to the Tax Collectors lists of all persons in their Districts who are subject to the capitation tax, with such particulars of residence, occupation, or other facts as may serve to identify the person. The Tax Collector is hereby required to pay into the State Treasury the amount received from the tax on sales of goods, wares and merchandise returned quarterly within thirty days after the expiration of each quarter. Each Tax Collector shall attend at the court house of the Tax District, (or if there be no court house, at some other public place) daily for one week previous to making his final return, for the receipt of taxes of their respective Districts or Parishes. All taxes on property imposed by

Duty of Tax Collectors to pay certain taxes quarterly.

To attend at Court House.

A. D. 1866.

Time of pos-  
session and  
valuation of  
property.

Time of in-  
comes.

Tax Collec-  
tors constitu-  
ted Assessors,  
Parishes of St.  
Philip's and St.  
Michael's ex-  
cepted.

Oath of Tax  
Collectors.

the provisions of this Act shall have reference both as to possession and valuation to the first day of January, eighteen hundred and sixty-seven, except where some other date is specially designated. All taxes on income imposed by the provisions of this Act shall have reference to the amount of such income received between the first day of January, one thousand eight hundred and sixty-six and the first day of January, one thousand eight hundred and sixty-seven, except where some other dates are specially designated between which the tax shall run.

VIII. That before the collection of the taxes herein levied, an assessment shall be made of the actual value of the property taxed, and for that purpose the Tax Collectors of the several Districts and Parishes, except the Parishes of St. Philip's and St. Michael's, are hereby constituted Assessors. That each Tax Collector, before entering upon his duties as Assessor, shall take and subscribe before the Clerk of the Court of the District the following oath, which shall be endorsed on his Commission, viz: "I, A. B., do promise and swear that I will, to the best of my ability, execute the duties of Assessor for my Collection District, and will, without favor or partiality, ascertain and assess the actual value of the property, real and personal, upon which an *ad valorem* tax is laid before and for the purpose of laying such tax."

In the Senate House, the twenty-first day of December, in the year of our Lord one thousand eight hundred and sixty-six.

W. D. PORTER, President of the Senate.

C. H. SIMONTON, Speaker House of Representatives.

Approved December 21st, 1866: JAMES L. ORR, Governor.

NO. 4777. AN ACT TO MAKE APPROPRIATIONS FOR THE YEAR COMMENCING IN OCTOBER, ONE THOUSAND EIGHT HUNDRED AND SIXTY-SIX.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the following sums be, and they are hereby, appropriated for the payment of the various officers and expenses of the State Government, that is to say:

Executive  
Department.  
Salary of  
Governor.  
Messenger.

Contingent  
fund.

Rent of house.

Funding  
bonds and  
stocks.

IN THE EXECUTIVE DEPARTMENT: For the salary of the Governor, three thousand five hundred dollars; for the Private Secretary of the Governor, twelve hundred dollars; for the Messenger of the Governor, one hundred dollars; for the contingent fund of the Executive Department, twenty-five thousand dollars, to be subject to the draft of the Governor, and to be accounted for annually by him to the Legislature; for the rent of the Governor's house in Columbia, three hundred dollars; for printing and preparing bonds, stock and record books, under Act twenty-first September, one thousand eight hundred and sixty-six, to provide for the funding of the interest and principal of certain stocks and bonds of the State past due, one thousand one hundred dollars, if so much be necessary, to

be drawn on check of the Governor ; for funding and preparing bonds, stock and record books for funding the fire loan stock and bonds authorized at the present session, eight hundred dollars, if so much be necessary, to be drawn on check of the Governor ; for two watchmen for the new State House and grounds, nine hundred and sixty dollars, to be drawn on draft of the State House Keeper.

A. D. 1866.  
 Watchmen of  
 State House.

II. IN THE LEGISLATIVE DEPARTMENT: For the pay of the members of the Legislature and the Attorney General and Solicitors during the present session, twenty-seven thousand dollars, if so much be necessary ; for the salaries of the Clerks of the Senate and House of Representatives, twelve hundred dollars each ; and to the said Clerks for the services of two assistant Clerks, two hundred and fifty dollars for the Clerk of the House, and two hundred and fifty dollars for the Clerk of the Senate, to be paid at the adjournment of the Legislature ; for the salaries of two Messengers and two Doorkeepers, each two hundred and fifty dollars, to be paid at the adjournment of the Legislature ; for the Messengers of the House and Senate, for extra service as mail carriers, fifty dollars each, and for the Messenger of the House, twenty-five dollars, for similar services, at the last extra session ; for the salary of the Keeper of the State House and Librarian, three hundred dollars ; for the salaries of the Reading Clerks of the Senate and House of Representatives, each two hundred and fifty dollars, to be paid at the end of the session ; for the services of four Engrossing Clerks, to be paid under direction of the Speaker of the House and President of the Senate, the same pay and mileage as is now allowed the members of the General Assembly ; and twenty-five dollars, if so much be necessary, for services of extra Engrossing Clerks at the present session ; for the Printers of the Senate and House of Representatives in pursuance of the contracts made by the Committees of both Houses, to wit : Printing the Acts, Reports and Resolutions of the General Assembly, for printing the Reports of the President of the bank, Comptroller General, with such like papers, with accompanying documents, of one thousand eight hundred and sixty-six, also the current and permanent work of the present session of the General Assembly, and for publishing the Acts and Resolutions of the same in a public newspaper, twelve thousand dollars, if so much be necessary : *Provided*, That the number of copies specified in the proposals of the printers, as accepted by the Legislature, shall be printed and deposited in the office of the Treasurer of the State, at Columbia, before the first day of March next, and the amount to be paid according to the proposals, which shall be ascertained by the Treasurer aforesaid : *And further, provided*, That the Public Printer do publish in his newspaper, at Columbia, all the public Acts which may be passed at the present session, within four weeks after the adjournment of the Legislature, and forward by mail, as soon as such paper is issued, a copy to each member of the General Assembly, and to each of the Judges, and the Attorney General, and each of the Solicitors ; for stationery, fuel, distributing Acts, and expenses of the election returns, to include the sums due Messengers for bringing and delivering to the Secretary of State the returns of elections for members of Congress, one thousand dollars, if so much be necessary ; for contingent ex-

Legislative  
 Department.  
 Pay of mem-  
 bers.  
 Attorney  
 General.  
 Solicitors.  
 Officers of  
 Senate and  
 House.

Keeper of  
 State House  
 and Librarian.

Engrossing  
 Clerks.

Public print-  
 ing.

Distributing  
 Acts, &c., &c.



A. D. 1866.

Contingent  
expenses legis-  
lative library.

Special Com-  
mission on  
Banks.

Keeper State  
House.

Special Com-  
mission on  
State property.

Judiciary De-  
partment.  
Chief Justice.  
Judges.  
Attorney  
General.  
Solicitors.  
Clerk of Court  
of Appeals.

Messenger of  
Court of Ap-  
peals.

Books for  
Library.

For wood and  
fuel.

State Reporter.

Jurors and  
Constables.

Treasury De-  
partment.  
Salary of  
Treasurer.

Comptroller.

University of  
South Carolina  
Salary Libra-  
rian.

penses of Legislative Library, to be paid on draft of the Librarian, accounted for by him at the Treasury, and reported by the Treasurer to the General Assembly, two hundred dollars, if so much be necessary; seven hundred dollars, if so much be necessary, for the pay and mileage of the Special Joint Committee on the Bank, sitting during the recess; for the necessary expenses incurred by the Special Railroad Commission, appointed at the extra session, three hundred and fifty-two dollars; to Theodore Starke, Keeper of the State House and Librarian, five hundred and twenty-eight dollars, appropriated at the last session for arrearages of salary; for defraying the expenses of the Special Joint Commission, appointed at the last regular session of the General Assembly to inquire and report as to the disposition of certain public property, three hundred dollars, if so much be necessary.

III. IN THE JUDICIARY DEPARTMENT: For the salary of the Chief Justice, thirty-five hundred dollars; for the salaries of ten Judges, three thousand dollars each; for the salary of the Attorney General, eleven hundred dollars; for the salaries of five Solicitors, nine hundred dollars each; for the Clerk of the Court of Appeals, who shall be the Librarian, eight hundred dollars, the same to include the expenses of fuel; for the salary of the Messenger of the said Court, two hundred and twenty-five dollars: *Provided*, It shall be the duty of the said Messenger to summon all members of the bar who are members of the Legislature when their cases may be called for trial; for the purchase of books for the Library of the Court of Appeals, one thousand dollars, to be drawn and expended by order of the presiding Justice; for firewood and fuel for the Court of Appeals, fifty dollars, if so much be necessary; for the salary of State Reporter, one thousand five hundred dollars; and the several appropriations aforesaid, for the Clerks, Librarians, Messengers, Reporter, and for the incidental expenses of the Court of Appeals, shall be paid by the Treasurer, only upon warrants, to be drawn by the presiding Judge of the Court of Appeals, at such time and for such portions as he may deem just and proper; and it shall be the duty of the said Reporter to attend in person or by deputy the sittings of the Court of Appeals, and to report such arguments and statements of facts as may be necessary to a correct understanding of the decisions of the said Court; for the pay of Jurors and Constables, fifty thousand dollars, if so much be necessary.

IV. IN THE TREASURY DEPARTMENT: For the salary of the Treasurer of the State, thirty two hundred dollars, including the salaries of one or more clerks; for the salary of the Comptroller General, twenty-five hundred dollars, including Clerk's salary, said clerks to be appointed by, and removed at the pleasure of the Treasurer and Comptroller General respectively; to the Comptroller General, two hundred dollars, for making out copies of the Tax Returns in eighteen hundred and sixty-seven, and a like sum for like services in eighteen hundred and sixty-six; for the Assessor of St. Phillip's and St. Michael's, for making out and affixing assessments of each return, eight hundred dollars.

V. FOR THE UNIVERSITY OF SOUTH CAROLINA: For the salaries of eleven Professors, eleven thousand dollars; for the Librarian of the University, who shall be the Secretary of the Board of Trus-

tees, six hundred dollars, to be paid by the Treasurer of the State, quarterly, in advance, his drafts being countersigned by the Chairman of the Executive Committee of the Board of Trustees; for repairs to the University Buildings, two thousand dollars, if so much be necessary.

A. D. 1866.

Repairs.

VI. FOR THE ORDINARY CIVIL EXPENSES: For the payment of the contingent accounts of the State, thirty-seven thousand dollars, if so much be necessary; for the payment of such claims as may be admitted by the Legislature at its present session, twenty thousand dollars, if so much be necessary; for the education of the deaf and dumb and the blind, four thousand dollars, if so much be necessary; for the purpose of repairing buildings at Cedar Springs Asylum, two thousand dollars, if so much be necessary, to be paid to the Commissioners in the same manner as the appropriation heretofore made; for the support of free schools, twenty-five thousand dollars, if so much be necessary, to be distributed on the basis of representation in the popular branch of the General Assembly; for the payment of such other claims or demands on the State as may be allowed by the General Assembly upon the reports of other committees, twenty thousand dollars, if so much be necessary; for the Lunatic Asylum, eight thousand dollars, if so much be necessary.

Ordinary civil  
expenses.  
Contingent  
accounts.  
Claims.

Cedar Spring  
Asylum.

Free schools.

Claims.

Lunatic  
Asylum.

VII. FOR MILITARY EXPENDITURES: For the salary and services of the Secretary of State, five hundred dollars, in lieu of all charges against the State for signing commissions.

Salary of  
Secretary of  
State.

VIII. FOR THE ORDINARY LOCAL EXPENDITURES: For maintaining and keeping open the Roper Hospital, in Charleston, three thousand dollars, to be paid to the Medical Society in trust for the Roper Fund, to defray the expenses of the said Hospital.

Ordinary local  
expenditures.  
Roper Hospi-  
tal.

IX. FOR THE SUPPORT OF THE CATAWBA INDIANS: Twelve hundred dollars, if so much be necessary, to be paid to the order of the Indian Agent, and to be expended under the direction of the Governor.

Catawba In-  
dians.

X. FOR PUBLIC BUILDINGS: That the sum of twenty-three thousand and five hundred dollars be appropriated for the following purposes: Ten thousand dollars for a permanent jail for Richland; four thousand dollars for a permanent jail for Darlington; one thousand five hundred dollars, in addition to one thousand dollars already appropriated, to build a temporary jail for Sumter; two thousand five hundred dollars to build a temporary jail for Chesterfield; one thousand five hundred dollars, in addition to one thousand dollars already appropriated, to build a temporary jail for Barnwell District; one thousand five hundred dollars, in addition to one thousand dollars already appropriated, to build a temporary jail for Beaufort District; one thousand dollars to complete the jail and Court House in Lexington District; fifteen hundred dollars for completing the jail in Lancaster District; for covering the new State House with a tin roof, twelve thousand dollars, if so much be necessary; for the construction of a Penitentiary, forty-five thousand dollars, to be paid on the draft of the Governor, from time to time, as the same may be needed: the appropriation not to be drawn until the plan of the Penitentiary buildings shall have been fully matured and the work estimated and contracted for by the Commissioners, and to be paid on such contracts as may be agreed upon by them, in accordance with said contract.

Public build-  
ings.

Jails in Rich-  
land, Darlington,  
Sumter,  
Chesterfield,  
Barnwell,  
Beaufort, Lex-  
ington, Lan-  
caster.

Covering New  
State House.

Penitentiary.

A. D. 1866.

Extraordinary  
expenditures.  
Court of Ap-  
peals,  
Emigration.

Clerks Com-  
mittee on Edu-  
cation and on  
Accounts.

Artificial Legs.

Lands in St.  
Helena, and St.  
Luke's.

**XI. FOR EXTRAORDINARY EXPENDITURES:** For the rent and fixtures of a house for the use of the Court of Appeals, three hundred dollars, the contract relating thereto to be approved by the Chief Justice before the money is drawn on his order; for expenses incurred by the Committee on Emigration, appointed under a Joint Resolution of the General Assembly at its regular session of 1865, five hundred dollars, to be paid on the draft of John A. Wagener, Chairman; for a clerk for the Committee on Education, fifty dollars, and for a clerk for the Committee on Accounts, forty dollars, to be paid on the order of the respective Chairmen of said Committees; for the purchase of Artificial Legs, for all citizens of this State who have lost their legs in the service of the country during the recent war, twenty thousand dollars, if so much be necessary; for testing in the Courts the constitutionality and validity of Acts of Congress, by which lands in St. Helena, and a part of St. Luke's have been sold, five thousand dollars, if so much be necessary, to be subject to the draft of the Governor.

In the Senate House, the twenty-first day of December, in the year of our Lord one thousand eight hundred and sixty-six.

W. D. PORTER, President of the Senate.

C. H. SIMONTON, Speaker House of Representatives.

Approved December 21st, 1866: JAMES L. ORR, Governor.

**No. 4778. AN ACT TO REGULATE THE FEES OF SHERIFFS FOR DIETING PERSONS CONFINED IN JAIL AND TO PROVIDE FOR THE MORE EXPEDITIOUS PAYMENT THEREOF.**

Dieting per-  
sons in jail.

Sheriff to file  
account and  
copy of war-  
rant.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the Sheriff shall be entitled to charge and receive for dieting persons confined in jail since the first day of December, A. D. one thousand eight hundred and sixty-six, the sum of forty cents per diem.

II. That at the end of each month it shall be the duty of the Sheriff to file in the office of the Comptroller General an account setting forth the number of persons confined in his jail, the causes of their commitment, and the number of days each has been confined, sworn to by the Sheriff, and accompanied with a copy of the warrant or order of commitment under which each person has been committed, certified to by the Clerk of the Court of Common Pleas and General Sessions. And upon the discharge of any person from confinement it shall be the duty of the Sheriff to file in the office of the Comptroller General the original warrant or order of commitment under which such person was confined in jail.

III. The Comptroller General shall immediately, upon the filing of such account, so sworn to and certified in his office, examine the



same, and upon being satisfied of its correctness, shall draw his draft on the Treasurer of the State for the amount of such account, payable to the Sheriff or his order, which draft the Treasurer shall pay out of any moneys in the Treasury appropriated for that purpose or not otherwise specially appropriated.

IV. The Comptroller General shall, in his annual report to the General Assembly, make a statement of all amounts paid under the provisions of this Act, accompanied with proper vouchers.

V. The Sheriff and his sureties shall be liable under his official bond for any amount fraudulently or improperly drawn from the Treasury, under this Act, to be recovered by action of debt at the suit of the State, and in addition thereto the Sheriff shall be liable to indictment as for official misconduct, and upon conviction shall be fined and imprisoned, at the discretion of the Court.

VI. The fees for dieting persons convicted under an indictment or other criminal proceedings shall be taxed against such persons, as now provided for by law, and when the amount so taxed shall be collected by the Sheriff, it shall be his duty to pay the same into the Treasury of the State, within thirty days from the time of such collection; and in case of the failure of any Sheriff to make such payment within the time prescribed, he and his sureties shall be liable, under his official bond, to pay four times the amount so collected, with interest on the same, from the time it is collected, to be recovered by action of debt at the suit of the State.

VII. It shall be the duty of the Sheriff, as soon as he can, after the first of October, annually, to report to the Comptroller General the names of all persons convicted under indictment or other criminal proceedings, and of the amount drawn from the Treasury for the dieting of such persons, under the provisions of this Act. The Comptroller General shall, upon the receipt of such report, charge the Sheriff upon his books with the amount so drawn, in the same manner as is now provided by law in the case of tax executions, and the Sheriff shall only discharge himself by the re-payment of the amount so advanced, or by a return of *nulla bona* upon the execution issued against the person so convicted.

VIII. That the Sheriffs of the several Districts, on being ordered by a Judge to remove a prisoner from one District to another, or to appear before the Court of Appeals, shall be allowed to make out their bills for themselves, and one guard for each prisoner, as now provided for by law, and upon making oath of the correctness of the same, and appending the order of the Judge for such removal, and the official certificate of the Clerk of the Court for the District in which he resides, that the service has been rendered, the said Sheriff may present the same to the Comptroller General and be paid as herein provided in case of fees for dieting persons.

A. D. 1866.

Comptroller to examine same, and draw his draft.

Comptroller to report to General Assembly.

Sheriff's liable for fraud, &c.

Fees for dieting to be collected by the Sheriff, and paid over.

Sheriffs to report to Comptroller General names of persons convicted, &c.

Comptroller's duty on such report.

Removal of prisoners by Sheriffs.

In the Senate House, the nineteenth day of December, in the year of our Lord one thousand eight hundred and sixty-six.

W. D. PORTER, President of the Senate.

C. H. SIMONTON, Speaker House of Representatives.

Approved December 20th, 1866: JAMES L. ORR, Governor.

A. D. 1866.

No. 4779.

## AN ACT TO ALTER THE ACT ENTITLED "AN ACT TO AMEND THE CRIMINAL LAW."

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the Act entitled "An Act to amend the criminal law," which was ratified on the nineteenth day of December, in the year of our Lord one thousand eight hundred and sixty-five, be, and the same is hereby, repealed, in so far as it is not hereinafter re-enacted.

Assault, felony without benefit of Clergy.

II. An assault with intent to commit a rape is hereby declared to be a felony without benefit of clergy.

What shall be deemed a dwelling house, in crimes of burglary and arson

III. With respect to the crimes of burglary and arson, and to all criminal offenses, which are constituted or aggravated by being committed in a dwelling house, any house, out-house, apartment, building, erection, shed or box, in which there sleeps a proprietor, tenant, watchman, clerk, laborer or person who lodges there, with a view to the protection of property, shall be deemed a dwelling house; and of such a dwelling house, or of any other dwelling house, all houses, out-houses, buildings, sheds and erections, which are within two hundred yards of it, and are appurtenant to it, or to the same establishment of which it is an appurtenance, shall be deemed parcels.

What shall be deemed parcels

Felony with benefit of Clergy.

IV. Stealing from the field any grain or cotton not yet severed from the freehold is hereby made a felony with benefit of clergy.

Obstructions on Railroads, &c. Felony without benefit of clergy.

V. For any person to put any obstruction upon a railroad, or to remove or disarrange any part thereof, or to injure the machinery or cars used thereon, or to mislead any person employed thereon by false statements or signals, or in any way to interfere with any part or appurtenance thereof, or with any schedule, operation or use thereof, with wanton indifference to consequences, or with a malicious intent to do harm to person or property, or to plunder, or to delay a train for dishonest purpose, shall be a felony without benefit of clergy.

Breach of trust.

VI. Any person committing a breach of trust with a fraudulent intention shall be held guilty of larceny; and so shall any person who shall hire or counsel any other person to commit a breach of trust with a fraudulent intention.

Misdemeanor, entry on lands of another.

VII. Every entry on the enclosed or unenclosed land of another, after notice from the owner or tenant prohibiting the same, shall be deemed a misdemeanor.

Purchasing of products in certain cases.

VIII. If any person shall, directly or indirectly, purchase any product of a farm from any person who is in the employment of another, engaged in husbandry, without sufficient evidence of his right to sell, the purchaser shall be guilty of a misdemeanor, and, upon conviction of any such offense, shall be liable to a fine not exceeding five hundred dollars, and to suffer imprisonment not exceeding twelve months; and the seller shall be liable to a fine at least equal to twice the value of the product sold; and if that be not immediately paid, shall suffer imprisonment in the penitentiary, at the discretion of the Court.

Misdemeanors and punishment for.

IX. The punishment of felony, with benefit of clergy, for the first offense, shall, at the discretion of the Court, be by one or more

of the following modes, to wit: Confinement in a penitentiary, workhouse or penal farm, (when such institution shall exist,) for a period not less than three months nor more than ten years, with such imposition of hard labor and solitary confinement as may be directed; confinement in tread-mill or stocks; solitary confinement; hard labor; corporal punishment; imprisonment not less than three months nor more than two years; fine not less than one hundred dollars, nor more than five thousand dollars.

X. Where no special punishment is provided for a misdemeanor, it shall, according to its nature and degree, be punished at the discretion of the Court by one or more of the modes prescribed in the Section last preceding, for a felony, with benefit of clergy.

XI. Upon view of a felony committed, or upon certain information that a felony has been committed, any person may arrest the felon and take him to a Judge or Magistrate, to be dealt with according to law.

XII. It shall be lawful for any citizen to arrest any person in the night time, by such efficient means as the darkness and the probability of his escape render necessary, even if his life should be thereby taken, in cases where he has committed a felony, or has entered a dwelling house with evil intent, or has broken, or is breaking into an out-house, with a view to plunder, or has in his possession stolen property, or being under circumstances which raise just suspicion of his design to steal or commit some felony, flees when he is hailed.

XIII. Whenever hereafter any person shall migrate into this State, and reside here, or exhibit an intention so to reside, if his bad character or his inability to support himself and family shall be made to appear to the Judge of the District Court, the said Judge shall, by written warrant, require him to enter, within twenty days thereafter, into a bond, payable to the State, with two freeholders as sureties, whose sufficiency shall be approved by the Clerk of the Court in a penalty of one thousand dollars, conditioned for his good behavior, and for his continued support of himself and family. And in case such person shall fail to give the bond as so required, the District Judge is hereby authorized and required, upon complaint and due proof thereof, to issue a warrant commanding such person to leave the State within ten days thereafter. And if any such person, so ordered to leave the State, shall not do so within the time prescribed in such warrant, he shall be guilty of a misdemeanor, and, upon conviction thereof, be liable to fine, imprisonment, corporal punishment and hard labor, at the discretion of the Court. If the bond aforesaid should be given, it shall be kept by the Clerk, and suit thereon may be ordered by the District Judge. In such suit, any fine imposed upon the principal obligor and not paid by him, and any sums expended for the support of himself or his family, under public authority, shall be assessed as damages, to be collected under the judgment for the penalty of the bond, which shall be recovered upon proof of any breach of the condition. If any person, who shall have been convicted of any infamous offense in any other State or country, shall come or be brought into this State, such person, on conviction thereof, shall be sentenced to hard labor, with occasional solitary confinement, for any period not exceeding fifteen years.

A. D. 1866.

Punishment of felony with benefit of clergy for first offense.

Misdemeanors punished at the discretion of the Court.

Who may arrest a felon, and where.

When citizens may arrest, and the means to be used.

Persons migrating into the State, of bad character, &c., required to enter into bond, leave the State, or liable to punishment.



A. D. 1866.

Petit larceny.

XIV. Any simple larceny of any article of goods, choses in action, bank bills, bills receivable, chattels, or any article of personality, of which, now by law, larceny may be committed, of all domesticated animals, and animals *feræ naturæ* which have in any degree been subjected to the control of any owner, of all growing crops or parts thereof, of all annual products of the soil, whether severed from the soil or not, and of all such fixtures and parts of the soil as were severed from the soil by an unlawful act, below the value of twenty dollars, shall be a misdemeanor and considered a petit larceny.

In the Senate House, the twenty-first day of December, in the year of our Lord one thousand eight hundred and sixty-six.

W. D. PORTER, President of the Senate.

C. H. SIMONTON, Speaker House of Representatives.

Approved December 21st, 1866 : JAMES L. ORR, Governor.

No. 4780. AN ACT TO AMEND AN ACT ENTITLED "AN ACT TO AUTHORIZE THE SALE OF THE COLUMBIA CANAL," RATIFIED THE TWENTY-FIRST DAY OF DECEMBER, EIGHTEEN HUNDRED AND SIXTY-FIVE.

Purchaser shall have authority to take possession of lands on the canal.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the second Section of an Act entitled "An Act to authorize the sale of the Columbia Canal" be amended so as to read as follows : That the purchaser of said canal shall have authority to take possession of one hundred and fifty feet of land on either side of the centre line of the present canal, on payment to the owner of the value of the same, and if the said purchaser and the owner cannot agree upon the value, then upon the payment of such sum as may be assessed by Commissioners, to be appointed for that purpose by the Court of Common Pleas for Richland District, the proceedings of the Commissioners so appointed to be governed in all respects according to the provisions of the tenth Section of an Act to authorize the formation of the Greenville and Columbia Railroad Company, ratified the fifteenth day of December, in the year of our Lord one thousand eight hundred and forty-five ; and upon payment of the sum thus agreed on or assessed, the purchaser shall be entitled in his own right to such land in fee simple. And the Commissioners hereby appointed for the sale of the canal are authorized to convey to the purchaser such portions of the public streets above Gervais street as lie within the limits of the said one hundred and fifty feet on either side of the centre line of the canal.

Streets to be conveyed to purchaser.

Conditions of sale.

II. That the third Section be amended to read as follows: That the Commissioners already appointed be authorized to sell at public or private sale, at their discretion : *Provided*, That in any sale that may be made by said Commissioners, there be a reservation to the

State of water power sufficient for the purposes of the State Penitentiary for all time, free of charge.

A. D. 1866.

In the Senate House, the nineteenth day of December, in the year of our Lord one thousand eight hundred and sixty-six.

W. D. PORTER, President of the Senate.

C. H. SIMONTON, Speaker House of Representatives.

Approved December 19th, 1866: JAMES L. ORR, Governor.

AN ACT TO PROVIDE AN EXPEDITIOUS MODE OF EJECTING No. 4781.  
TRESPASSERS.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That if any person shall have gone into or shall hereafter go into possession of any lands or tenements of another, without his consent or without warrant of law, it shall be lawful for the owner of the land so trespassed upon to apply to any Magistrate to serve a notice on such trespasser to quit the premises, and if, after the expiration of five days from the personal service of such notice, such trespasser refuses or neglects to quit, it shall then be the duty of such Magistrate to issue his warrant to any Sheriff or Constable, requiring him forthwith to eject such trespasser, using such force as may be necessary: *Provided, however,* That if the person in possession shall, before the expiration of the said five days, appear before such Magistrate, and satisfy him that he has a color of claim to the possession of such premises, and enter into bond to the person claiming the land, with good and sufficient security, to be approved by the Magistrate, conditioned for the payment of all such costs and expenses as the person claiming to be the owner of the land may incur in the successful establishment of his claim, by any of the modes of proceeding now provided by law, the said Magistrate shall not issue his warrant as aforesaid.

Magistrates,  
duty of.

Sheriffs and  
Constables,  
duty of.

II. That the Magistrate shall be entitled to demand and receive from the person applying for such warrant a fee of five dollars before issuing the same, and the Sheriff or Constable shall in like manner be entitled to demand and receive a fee of five dollars and mileage before executing such warrant, from the person applying for the same.

Fees of Magis-  
trates.

Sheriffs and  
Constables.

In the Senate House, the fourteenth day of December, in the year of our Lord one thousand eight hundred and sixty-six.

W. D. PORTER, President of the Senate.

C. H. SIMONTON, Speaker House of Representatives.

Approved December 15th, 1866: JAMES L. ORR, Governor.

A. D. 1866.

No. 4782.

**AN ACT FOR THE ENCOURAGEMENT AND PROTECTION OF EUROPEAN IMMIGRATION, AND FOR THE APPOINTMENT OF A COMMISSIONER AND AGENTS, AND FOR OTHER PURPOSES THEREIN EXPRESSED.**

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That for the purpose of encouraging, promoting and protecting European immigration to and in this State, the sum of ten thousand dollars be appropriated from the contingent fund, to be expended under the direction of the Government, for the purposes and in the manner hereinafter provided.

Ten thousand dollars appropriated.

Commissioner, office of.

Salary of.

Duty of Commissioner.

Appraisers, Titles to be examined.

Commissioner to publish descriptive lists, &c.

Agents to be appointed by Governor.

Commissioner to protect immigrants.

Officers of the State to aid.

Commissioner shall keep a registry book.

II. That the Governor, by and with the advice and consent of the Senate, shall appoint a Commissioner of Immigration, who shall open an office in the fire-proof building in Charleston, to perform such duties as may appertain to his office, and shall be paid for his services the salary of fifteen hundred dollars per annum out of the fund aforesaid, in quarterly payments.

III. That it shall be the duty of said Commissioner of Immigration to advertise in all the gazettes of the State for lands for sale; to cause such lands, after having been duly laid off, platted and described, at the expense of the owner or owners of said lands, to be appraised by three disinterested persons, and their titles to be examined by the Attorney General or Solicitors of the State, and endorsed by them, as the case may be; to open a book or books for the registry of the same, together with the price demanded and the conditions of payment. And in case such lands be selected by any immigrant, to superintend the transfer of title and other necessary instruments and proceedings of conveyance.

IV. That the said Commissioner shall periodically publish, advertise and cause to be distributed in the Northern and European ports and States, descriptive lists of such lands as have been registered and offered for sale, together with this Act, and a statement of such advantages as this State offers in soil, climate, productions, social improvements, etc., to the industrious, orderly and frugal European immigrant.

V. That the Governor shall also appoint one or more agents for the purposes aforesaid, with such salaries or compensations as he shall determine or hereinafter may be provided for, the Commissioner of Immigration to prescribe the duties of such agents, and to designate their point or points of operation.

VI. That the said Commissioner shall be specially charged with the protection of the immigrants, in the proper selection of their lands; in the procurement of thier transportation, in the guarding of them against fraud, chicanery and speculation; in their temporary location in proper and reasonable places of board and lodging on their arrival; and in making all such regulations and provisions as may be in any manner necessary or conducive to their welfare. And all officers of the State are hereby required and commanded to aid and assist him in the objects aforesaid, whenever requested.

VII. That the Commissioner shall keep a separate book, wherein he shall register all applications from citizens, free of charge, for immigrant artizans, mechanics, farmers, or male or female help of



any kind, together with the kind of service demanded and the compensation offered; and another book, wherein he shall record the names, crafts and qualifications of immigrants that are looking for employment; and he shall make memoranda of such contracts as shall be made in consequence hereof.

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VIII. That the said Commissioner of Immigration do make a report of his proceedings at the annual session of the General Assembly, and as often as the Executive shall require.

Commissioner shall report.

IX. That all the expenses contemplated, or which may be occasioned by this Act, shall be met by the appropriation directed in the first Section, and shall not in any way create a claim against the State beyond such appropriation.

Limitation of appropriation.

In the Senate House, the twentieth day of December, in the year of our Lord one thousand eight hundred and sixty-six.

W. D. PORTER, President of the Senate.

C. H. SIMONTON, Speaker House of Representatives.

Approved December 20th, 1866: JAMES L. ORR, Governor.

AN ACT TO EXTEND THE TIME IN WHICH TO RE-RECORD LOST No. 4783.  
"INSTRUMENTS IN WRITING."

*Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the time for re-recording, provided by the fifth Section of the Act of the General Assembly, ratified on the twentieth day of September, one thousand eight hundred and sixty-six, entitled "An Act to amend and extend the operation of an Act to provide a mode by which to perpetuate testimony in relation to deeds, wills choses in action, and other papers and records, destroyed or lost during the recent war," be extended until the first day of December, one thousand eight hundred and sixty-seven.

Time extended  
to the first day  
of December,  
A. D. 1867.

In the Senate House, the fourteenth day of December, in the year of our Lord one thousand eight hundred and sixty-six.

W. D. PORTER, President of the Senate.

C. H. SIMONTON, Speaker House of Representatives.

Approved December 14th, 1866: JAMES L. ORR, Governor.

A. D. 1866. **AN ACT to AUTHORIZE THE MAYOR AND ALDERMEN OF THE CITY OF COLUMBIA TO ISSUE AND PUT IN CIRCULATION NOTES RECEIVABLE IN TAXES OR DUES TO THE CITY.**  
 No. 4784.

*Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the Mayor and Aldermen of the City of Columbia are hereby authorized to issue and put in circulation notes or certificates, in the form hereinafter prescribed, of the denomination of one, two and three dollars, and such small bills as the City Council may direct, which notes or certificates, so to be issued, shall be receivable in payment of taxes and other dues to the city of Columbia, for the sums therein expressed. The said notes or certificates shall be in the following form, viz: "The City of Columbia will pay \_\_\_\_\_ on demand, in United States currency," and shall be signed by the Mayor and City Clerk; and the whole amount of such notes or certificates shall not exceed the sum of twenty-five thousand dollars.

Power of City Council.

Form of notes.

Amount limited to twenty-five thousand.

In the Senate House, the nineteenth day of December, in the year of our Lord one thousand eight hundred and sixty-six:

WILLIAM D. PORTER, President of the Senate.  
 C. H. SIMONTON, Speaker House of Representatives.

Approved December 19th, 1866: JAMES L. ORR, Governor.

No. 4785. **AN ACT TO AMEND THE ACT ESTABLISHING THE UNIVERSITY OF SOUTH CAROLINA.**

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the fifth Section of an Act entitled "An Act to establish the University of South Carolina," ratified on the nineteenth day of December, in the year of our Lord one thousand eight hundred and sixty-five, be so amended as to require the Board of Trustees of the University of South Carolina to establish, as soon as practicable after the ratification of this Act, a School of Law, with one Professor, and a School of Medicine, with two Professors.

School of Law.  
 School of Medicine.

II. That the Board of Trustees shall determine and regulate the course of studies in the said schools, and the duties of the Professors in the respective departments thereof; and shall, as soon as practicable, select competent persons to the Professorships so established.

Course of studies.

Professors.

III. That the Professors in said schools shall be entitled to the same salary as is provided by law for the other Professors of the University, and shall receive such fees of the students who enter their schools as are required, or may hereafter be required, under and by virtue of the fourth Section of the Act aforesaid, of the students who enter the schools by said Act provided for.

Salaries of Professors.

IV. That the said Professors shall be members of the Faculty of the University of South Carolina, in like manner as the other Professors.

Professors to be members of the Faculty.

fessors, and shall, in all respects, be, in like manner, subject to the provisions of the aforesaid Act, and to the rules and regulations imposed by the Board of Trustees.

A. D. 1866.

V. That the Board of Trustees of the University, on the recommendation of the Chairman of the Faculty and of the Professors of the Schools of Law and of Medicine, shall confer the degrees of Bachelor of Law and of Doctor of Medicine upon the graduates of the said schools, for satisfactory attainments in all the subjects of instruction in their respective schools.

Degrees to be conferred.

VI. That the graduates of each of these schools, upon whom the said degrees may be conferred, shall be entitled to pursue and practice their respective professions.

Graduates to practice.

VII. That the Faculty have authority to license a Demonstrator of Anatomy and other persons of suitable attainments, character and habits, to give private instruction in aid of the public teachings in any of the schools of the University. That said licentiates be not at liberty, without special leave of the Faculty, to receive pupils who are not members of the school or schools for which they are licensed, nor to give instruction on subjects not embraced in the plan of the same. The employment of the licentiates to be at the option of the students, and the compensation a matter of private arrangement.

Demonstrator of Anatomy.

Compensation.

In the Senate House, the twentieth day of December, in the year of our Lord one thousand eight hundred and sixty-six.

W. D. PORTER, President of the Senate.

C. H. SIMONTON, Speaker House of Representatives.

Approved December 20th, 1866: JAMES L. ORR, Governor.

AN ACT TO AUTHORIZE THE SALE OF THE JAIL LOT IN SUMTER DISTRICT.

No. 4786.

*Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the Commissioners of Public Buildings for Sumter District be, and they are hereby, authorized and empowered to sell, in part, or in whole, and in such manner, at such time, and on such terms as they may find most advantageous to the State, all that portion of the lot belonging to the State, situate in the town of Sumter, opposite the Court House, on which the old Jail formerly stood, not leased to the Town Council of Sumter, and to convey the fee-simple absolute of the same to the purchaser or purchasers thereof; and to apply the proceeds of said sale to the rebuilding of the Jail, the refitting of the Court House, and the payment of the expenses incurred in restoring the records of said District, in such manner as said Commissioners may deem most advisable.

Authority to sell.

Application of proceeds of sale.

In the Senate House, the twentieth day of December, in the year of our Lord one thousand eight hundred and sixty-six.

W. D. PORTER, President of the Senate.

C. H. SIMONTON, Speaker House of Representatives.

Approved December 20th, 1866: JAMES L. ORR, Governor.



A. D. 1866.

## AN ACT TO ALTER THE LAW ON THE SUBJECT OF FENCES.

No. 4787.

Act repealed as  
relates to cer-  
tain islands.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That an Act entitled "An Act to regulate fences," ratified on the eighteenth day of December, in the year of our Lord one thousand eight hundred and twenty-seven, be, and the same is hereby, repealed, so far as relates to the Islands of Edisto, John's Island, Wadmalaw, and James Island.

Fences not re-  
quired on said  
islands.

II. That from and after the passage of this Act a fence shall not be required to be kept around cultivated grounds on the said Islands.

Owners may  
seize certain  
stock.

III. That if any horses, mules, cattle, hogs, sheep or goats shall be found in any field in which shall be growing or ungathered any grain, cotton, or vegetable production raised for market or domestic consumption, it shall be lawful for the owner or person having charge of such field to seize such horses, mules, cattle, hogs, sheep or goats, and to keep them in confinement until he shall have notified, within six hours after such seizure, the owner, or his or her agents, who shall be bound to pay to the owner of such field all damages which he or she may have sustained thereby.

In the Senate House, the twentieth day of December, in the year of our Lord one thousand eight hundred and sixty-six.

W. D. PORTER, President of the Senate.

C. H. SIMONTON, Speaker House of Representatives.

Approved December 20th, 1866: JAMES L. ORR, Governor.

No. 4788. AN ACT TO AUTHORIZE THE CITY COUNCIL OF COLUMBIA TO  
ISSUE ADDITIONAL BONDS.

Power of City  
Council.Limitation of  
amount of  
bonds to be is-  
sued.

*Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the Mayor and Aldermen of the city of Columbia, or their successors in office, be, and are hereby, authorized and empowered to issue city bonds or stocks from time to time, to an amount not exceeding two hundred and fifty thousand dollars, for the purpose of funding bonds formerly issued, and now past due, with the interest which has accrued, or may hereafter accrue, thereon, and bonds formerly issued, and which may hereafter fall due.

In the Senate House, the twentieth day of December, in the year of our Lord one thousand eight hundred and sixty-six.

W. D. PORTER, President of the Senate.

C. H. SIMONTON, Speaker House of Representatives.

Approved December 20th, 1866: JAMES L. ORR, Governor.

AN ACT TO AUTHORIZE THE TRANSFER TO THE COLUMBIA AND AUGUSTA RAILROAD COMPANY OF CERTAIN STOCKS HELD BY THE STATE, AND TO AUTHORIZE THE GUARANTY BY THE STATE OF THE BONDS OF SAID COMPANY.

A. D. 1866.

No. 4789.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the Comptroller General is hereby authorized to transfer to the Columbia and Augusta Railroad Company the sum of forty-two thousand two hundred dollars of the stock of the Charlotte and South Carolina Railroad Company, now held by and in the name of the State; the said transfer to be made as soon as the said Columbia and Augusta Railroad Company shall deliver to the Comptroller General a certificate of stock in the name of the State for so much stock in the said Columbia and Augusta Railroad Company, as at its par value shall equal the par value of the stock hereby authorized to be transferred.

Comptroller  
to transfer cer-  
tain stock.

II. That whenever the Governor shall be satisfactorily assured that the said Columbia and Augusta Railroad Company have sufficiently graded and otherwise prepared their road bed for the reception of the iron rails, and that there exists no lien, by mortgage or otherwise, upon the said road, or any part of the property of said company, he shall cause the Comptroller General to endorse upon the bonds of the said company the guaranty of the State of South Carolina for the payment of said bonds, pledging therefor the faith and funds of the State; the said bonds to be made payable at such place as the President of the company may designate, bearing an interest of seven per centum per annum, payable semi-annually, and not having more than twenty-three years to run: *Provided*, That the amount of bonds so endorsed shall not exceed the amount of six thousand five hundred dollars for each mile of said road: *And provided, further*, That the said company shall pledge themselves to the Governor, by resolution of a majority of their Board of Directors for the time being, that the said bonds shall not be used for any purpose other than the procuring of the iron rails, chairs, spikes and equipments for said road, and for putting down said iron rails.

Bonds to be  
guaranteed by  
the State.

Proviso.

III. That whenever any of the bonds of the said company shall have been so endorsed, the State of South Carolina shall be thereupon invested with a lien, without a deed from the company, upon the entire road, including the stock, right of way, franchises, grading, bridging, masonry, iron rails, and the whole superstructure, rolling stock and other equipments, and all the property owned by the company as incident to or necessary to its business, which lien shall continue so long as the said bonds or any of them, or of the interest which may accrue thereon, shall remain unpaid; nor shall it be lawful for the said company, at any time after any of said bonds shall have been so endorsed, to give, create or convey to any person or persons, or body corporate, any lien, incumbrance or mortgage of any kind, which shall have priority over, or come in conflict with the lien of the State hereby secured; and any such lien or mortgage shall be null and void as against the said lien of the State hereby secured.

Lien of the  
State.

IV. That the State expressly reserves the right, hereafter, to enact

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Reservation  
by the State.

all such laws as may be necessary to protect the interests of the State in the matter of said lien, or for its enforcement, and to secure the State against any loss in consequence of the endorsement of said bonds.

In the Senate House, the twentieth day of December, in the year of our Lord one thousand eight hundred and sixty-six.

W. D. PORTER, President of the Senate.

C. H. SIMONTON, Speaker House of Representatives.

Approved December 20th, 1866: JAMES L. ORR, Governor.

No. 4790. AN ACT TO AMEND THE LAW IN RELATION TO TENANCIES.

When Magis-  
trates may is-  
sue warrants to  
Sheriff or Con-  
stable.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That when any person or persons have gone, or shall hereafter go into possession of any land or tenements of another, either as a tenant at will, or under a contract to serve another, either as a domestic servant or common laborer, or otherwise, and shall refuse or neglect to quit the premises so occupied when required by the person letting the same, or upon the termination of the contract, either by its own limitation or from any other cause, it shall be lawful for the person letting the premises to apply to any Magistrate, whose duty it shall be to have a notice served upon the person or persons so refusing to quit, to show cause before him, at the expiration of ten days from the personal service of such notice why he should not be ejected, and if no sufficient cause be then shown, it shall be the duty of the Magistrate forthwith to issue his warrant, directed to the Sheriff or any Constable, requiring him, without delay, to eject such person or persons from the premises so let, and authorizing him to use such force as may be necessary.

Fees.

II. That the Magistrate shall be entitled to demand and receive from the person applying for such warrant a fee of five dollars before issuing, and the Sheriff or Constable shall, in like manner, be entitled to demand and receive from such applicant a fee of five dollars and usual mileage before executing such warrant.

In the Senate House, the nineteenth day of December, in the year of our Lord one thousand eight hundred and sixty-six.

W. D. PORTER, President of the Senate.

C. H. SIMONTON, Speaker House of Representatives.

Approved December 19th, 1866: JAMES L. ORR, Governor.

No. 4791. AN ACT TO REGULATE ELECTIONS FOR REPRESENTATIVES IN CONGRESS.

*Be it enacted* by the Senate and House of Representatives, of the State of South Carolina, now met and sitting in General Assembly, and by the authority of the same, as follows :



I. Under the apportionment of representation, which was last made, this State is now entitled to have four members in the House of Representatives of the Congress of the United States. The Congressional Districts of the State are organized as follows: The First Congressional District is composed of the united Judicial Districts of Lancaster, Chesterfield, Marlboro, Kershaw, Sumter, Clarendon, Williamsburg, Georgetown, Horry, Marion, and Darlington; the Second Congressional District is composed of the united Judicial Districts of Charleston, Colleton, Beaufort, and Barnwell; the Third Congressional District is composed of the united Judicial Districts of Orangeburg, Edgefield, Abbeville, Lexington, Newberry, Richland, and Fairfield; the Fourth Congressional District is composed of the united Judicial Districts of Anderson, Pickens, Greenville, Laurens, Spartanburg, Union, York, and Chester; and each Congressional District has the right to elect one of the four members before mentioned.

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Number of  
Representatives.Congressional  
Districts.

II. In each of the Congressional Districts of the State, as now organized or hereafter to be organized, an election for a Representative in the House of Representatives of the Congress of the United States, shall, in regular course, be held at the general election on the third Wednesday of October next; and on the same day in every alternate year afterwards. The managers, the places of election, the manner of conducting the election and the qualifications of the voters shall be the same for this election as for an election of members of the House of Representatives in the General Assembly of the State. The person who at this election shall receive the greatest number of votes, in the whole of a Congressional District, shall be the Representative for that District, from this State, in the Congress then next ensuing.

General election.

Managers of.

When elected.

III. Immediately after closing the polls, the managers of a precinct shall publicly scrutinize and count the votes taken by them for a Representative in Congress, and shall certify under their hands a return showing the list of voters for such Representative, and the number of votes polled for each person. They shall then appoint one of their number, who shall carry this return and report it to a general meeting of managers of the election District, composed of one manager from each precinct. This general meeting shall be held at the Court House of the Judicial District on the day following the election, except that for Berkeley election District, it shall be held at the city of Charleston, and for Beaufort District, at Gillisonville, on the second day after the election, unless by pre-concert among themselves the managers of that election District shall have met the day provided, and except further, that if a meeting at the time appointed should be providentially prevented in any District, it may take place as soon afterwards as practicable. The managers assembled at a general meeting, shall carefully scrutinize and aggregate the returns for the several precincts and compile a District return, which shall show the result of the ballottings had for a Representative in Congress in their election District. Of this return they shall make two copies, certified under their hands. One copy, with the several precinct returns, they shall deliver to the Clerk of the Court for their Judicial District, and he shall carefully file and preserve these papers. The other copy the managers shall enclose in

Counting of  
votes.General meeting  
of Managers.Returns to be  
aggregated.Copies of, to  
be delivered to  
Clerk of the  
Court and Sec-  
retary of State.

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a sealed package, addressed to the Secretary of State, at Columbia, and deposit in a safe postoffice, to be transmitted by mail; endorsing it so as to show what it is, and from what District; and so as to prevent undetected tampering with the seals.

Secretary of  
State, duty of.

IV. The Secretary of State shall receive and preserve all the returns which may reach the postoffice in Columbia. If, at the expiration of two weeks from the day of election, the return from any election District should not have reached Columbia, he shall immediately inform the Clerk of that District, and thereupon the Clerk shall make and certify a copy of the return which was deposited with him as aforesaid, and transmit the same by mail to the Secretary of State. The Governor shall, with reasonable dispatch, examine the returns in the hands of the Secretary of State; if any one should be wanting, he shall, by mail, or by special messenger, as may seem to him best, procure it, or a copy of it, from the Clerk, if he finds that it was made by the managers. The Governor shall open the district returns, examine them, and aggregate the number of votes given for each person in the several election districts of the Congressional District; and when he has ascertained what person received the greatest number of votes in a Congressional District, he shall give notice by proclamation, that that person has been duly elected a member of the House of Representatives for the Congress of the United States. This proclamation shall, if possible, be made at the latest by the fourth Monday of November, after the election.

Governor to  
examine Re-  
turns and give  
notice by Pro-  
clamation.

Special elec-  
tions on Pro-  
clamation of  
Governor.

V. In case an extra session of Congress should be called at any time, between the fourth day of March and the third Wednesday of October, of any year, in which the terms of the members of the House of Representatives of the Congress of the United States shall expire, the Governor shall, by proclamation, order a special election for members from this State, in the said House of Representatives. Whereupon the election shall be held, the returns made, and the result announced, as has been hereinbefore provided; and the terms of the members so elected shall be the same as if they had been elected at the general election then next following.

Elections on  
extraordinary  
occasions.

VI. Proceedings like those prescribed in the Section next preceding, but having reference to one or more Congressional Districts, as the case may be, shall be had, if to fill a vacancy, or upon any other extraordinary occasion an election should become requisite for one, or more than one Representative in Congress from this State.

Expenses to  
be paid by  
Clerk of the  
District.

VII. The expense of postage incident to an election for Representative in Congress shall be paid by the Clerk of the District where the expense may be incurred, and with his fees for filing a return and copying it, (if a copy should be required of him,) be included in his contingent account with the State.

In the Senate House, the twentieth day of December, in the year of our Lord one thousand eight hundred and sixty-six.

W. D. PORTER, President of the Senate.

C. H. SIMONTON, Speaker House of Representatives.

Approved December 20th, 1866: JAMES L. ORR, Governor.

AN ACT TO INCORPORATE THE CHARLESTON AND FLORIDA STEAM  
PACKET COMPANY.

A. D. 1866.

No. 4792.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That Louis M. Coxetter, Theodore D. Wagner, Jas. Welsman, Joseph D. Aiken, John F. O'Neill, and their associates and successors, be, and they are hereby, created a body corporate and politic in law, by the name of the Charleston and Florida Steam Packet Company, and the said company shall have power to transport freight and passengers between the ports of Charleston, South Carolina, and those of Florida, and the State of Georgia, and also to bring and carry mails in their vessels, and to do such things as are necessary fully to carry out these objects.

Corporators.

II. The capital stock of said company shall be one hundred thousand dollars, with the privilege of increasing it to any amount not exceeding three hundred thousand dollars: *Provided*, Such increase shall be agreed to by a majority of the stockholders.

Capital stock.

III. The capital stock shall be raised by subscription, in shares of one hundred dollars each, but the said company shall not go into operation until the said stock, to the amount of at least fifty thousand dollars, has been paid in in cash, and an oath or affirmation thereof shall have been made and subscribed by the agent of the company, which shall be lodged and recorded in the office of the Secretary of State, and be published in two newspapers of the city of Charleston, South Carolina.

Capital stock,  
how raised.

IV. The affairs of the company shall be managed by a Board of Directors, consisting of one President and three Directors, who shall be elected in such manner and for such periods as the stockholders may prescribe; and the said President and Directors shall adopt such rules and regulations as they may deem expedient, not inconsistent with the laws of this State, or of the United States.

President and  
Directors.

V. The said stock shall be deemed personal estate, and the company may hold such personal property as may be necessary for the purposes of their business, and may, from time to time, sell and transfer the same or any part thereof.

Stock deemed  
personal estate.

VI. The company may, by its corporate name, be plaintiff or defendant in any Court of law or equity in this State, and may have and use a common seal, and make such by-laws and regulations for their government as they shall see fit: *Provided*, Said laws are not inconsistent with the laws of this State or of the United States.

Seal of Com-  
pany, &c.

VII. No part of the capital stock shall at any time be withdrawn by, or divided among the stockholders, until all the debts and liabilities of the said corporation shall have been fully paid off and discharged.

Capital stock  
not to be re-  
deemed unless.

VIII. This Act shall be deemed a public Act, and continue of force for the term of fourteen years from the date of its ratification.

Term of Act.

In the Senate House, the twentieth day of December, in the year  
of our Lord one thousand eight hundred and sixty-six.

W. D. PORTER, President of the Senate.

C. H. SIMONTON, Speaker House of Representatives.

Approved December 20th, 1866: JAMES L. ORR, Governor.



A. D. 1866.

No. 4793.

## AN ACT TO PROVIDE FOR DOCKETING CONSTITUTIONAL CASES IN THE COURT OF ERRORS.

Endorsement  
of Brief, and  
when to be  
filed.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That in all cases of appeal in law or equity, in which an appellant alleges constitutional questions are involved, he shall file the brief of his case, having indorsed thereon "Constitutional question involved," signed by appellant's attorney, with the Clerk of the Court of Appeals, not later than the first day of the sitting of the Court of Appeals, succeeding the hearing, trial, order, decree, judgment or adjudication in the Court below; and no appellant who shall fail to file his brief, as above directed, shall be entitled to the examination of the same as provided for in the second Section of this Act: *Provided*, The report of the Circuit Judge shall have been given to the appellant or appellant's attorney, one week before the sitting of the Court of Appeals.

Proviso.

Judges to  
have such cases  
filed on separate  
Docket.

Proviso.

II. That the Judges of the Court of Appeals shall examine the briefs thus filed, and all cases which, in their judgment, involve constitutional questions, shall, under their direction, be entered for hearing by the Court of Errors, upon a separate docket for this Court, to be made up by the second Monday after the meeting of the Court of Appeals, at each regular sitting thereof: *Provided*, That this enactment shall not be construed to limit or restrain the power now possessed by the Court of Appeals to order cases to the Court of Errors.

In the Senate House, the twentieth day of December, in the year of our Lord one thousand eight hundred and sixty-six.

W. D. PORTER, President of the Senate.

C. H. SIMONTON, Speaker House of Representatives.

Approved December 20th, 1866: JAMES L. ORR, Governor.

No. 4794. AN ACT SUPPLEMENTARY TO THE ACT TO PROVIDE FOR THE FUNDING THE INTEREST AND PRINCIPAL OF CERTAIN STOCKS AND BONDS OF THE STATE PAST DUE, PASSED ON THE TWENTY-FIRST DAY OF SEPTEMBER, ONE THOUSAND EIGHT HUNDRED AND SIXTY-SIX.

Provisions of  
Act of 1866 ex-  
tended.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the provision made by said Act of twenty-first of September, eighteen hundred and sixty-six, for funding certain debts and interest due by this State, be extended to and include three thousand seven hundred and five dollars, forty-six cents, now past due, as principal of stocks of this State, issued by virtue of an Act of the Legislature, passed in June, in the year one thousand eight hundred and thirty-eight, to bear interest from the first of January, one thousand eight hundred and sixty-seven, the interest on an issue

of stock to the amount of three hundred and fourteen thousand four hundred and fifty-three dollars and eighty-nine cents, under the said Act of the Legislature, passed in June, in the year one thousand eight hundred and thirty-eight, and the interest on the three per cent. stock issued by the State.

II. *Be it further enacted*, That the sixth Section of the said Act of September last be so amended as to entitle the holder of stock, bonds or coupons, where the difference between the amount presented and the bonds shall exceed fifty dollars, to receive from the Governor a certificate of stock to the amount of fifty dollars in part liquidation of such difference. And the Governor shall be authorized to cause such certificate or certificates to be issued to such holder or holders, to be signed by the Comptroller General or Treasurer of the State, or to be signed by the Treasurer of the State, and countersigned by the Comptroller General, as he may direct.

III. That whereas the first Section of the Act ratified on the twenty-first day of September, in the present year, provides for the funding of the interest on bonds to the amount of five hundred thousand dollars, issued under an Act passed in December, one thousand eight hundred and fifty-three, for the building of the New State House, and the issue of bonds under said Act was only two hundred and fifty thousand dollars, and no provision was made for an issue of bonds under an Act passed in December, one thousand eight hundred and fifty-five for the like sum of two hundred and fifty thousand dollars, it is hereby required that in lieu of the provision made in the Act of September last, the interest on the bonds issued under the Act of eighteen hundred and fifty-three, to the amount of two hundred and fifty thousand dollars, and the interest on the bonds issued under the Act of eighteen hundred and fifty-five, to the like amount of two hundred and fifty thousand dollars, shall be funded in the manner provided in said Act.

IV. *And be it further enacted*, That certificates of stock, issued under the Act of September last, or under this Act, and all certificates which may at any time be issued upon any transfer of stock of the State, shall be signed by the State Treasurer and countersigned by the Comptroller General.

A. D. 1866.

Act of 1866 amended so as to authorize the issue of Certificates.

Provides for funding two hundred and fifty thousand dollars on account of new State House.

To be signed by Comptroller and Treasurer.

In the Senate House, the twentieth day of December, in the year of our Lord one thousand eight hundred and sixty-six.

W. D. PORTER, President of the Senate.

C. H. SIMONTON, Speaker House of Representatives.

Approved December 20th, 1866: JAMES L. ORR, Governor.

# AN ACT TO WITHDRAW CERTAIN UNDRAWN APPROPRIATIONS No. 4795. HERETOFORE MADE.

*Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That so much of the following appropriations heretofore

Appropriations withdrawn.

|                                               |                                                                                                                                                                                                                                                                             |
|-----------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| A. D. 1866.                                   | made as now remain undrawn, namely: For the relief of                                                                                                                                                                                                                       |
| Soldiers' families.                           | soldiers' families, made in the years eighteen hundred and sixty-two, eighteen hundred and sixty-three, and eighteen hundred and sixty-four, four hundred and sixty-nine thousand one hundred and sixty-three dollars and seventy-three cents (\$469,163.73); for improving |
| Maffit Channel.                               | Maffit Channel, made in the years eighteen hundred and fifty-nine and eighteen hundred and sixty-one, sixty thousand                                                                                                                                                        |
| Lockhardt's Shoal. Court House in Charleston. | dollars, (\$60,000); for Lockhardt's Shoal Channel, one thousand dollars, (\$1,000); for the Court House in Charleston, made in the                                                                                                                                         |
| Orphan's College.                             | years eighteen hundred and fifty-seven and eighteen hundred and fifty-eight, twenty-seven thousand dollars, (\$27,000); for the                                                                                                                                             |
| Legislative Library.                          | support of an orphan at College, made in the years eighteen hundred and fifty-eight, eighteen hundred and fifty-nine, eighteen                                                                                                                                              |
| Lunatic Asylum.                               | hundred and sixty-one, one thousand two hundred dollars, (\$1,200); for the Legislative Library, three thousand four hundred                                                                                                                                                |
| Poor in Georgetown.                           | and twenty dollars and fifty-one cents, (\$3,420.51); for buildings at the Lunatic Asylum, made in the years eighteen hundred and                                                                                                                                           |
| Morse's Carabines.                            | fifty-six, eighteen hundred and fifty-nine and eighteen hundred and sixty-one, three thousand seven hundred and ninety-two dollars and                                                                                                                                      |
| Mahan's Permanent Fortifications.             | ten cents, (\$3,792.10); for the transient poor in Georgetown, made in the years eighteen hundred and sixty-three and eighteen                                                                                                                                              |
| Arsenal Academy.                              | hundred and sixty-four, seven hundred dollars, (\$700); for the construction of Morse's carabines, and use of his patent, made in the                                                                                                                                       |
| Military Academy.                             | years eighteen hundred and sixty-three and eighteen hundred and sixty-four, fifteen thousand five hundred dollars, (\$15,500);                                                                                                                                              |
| Governor's House.                             | for Mahan's "Permanent Fortifications," made in the year eighteen hundred and sixty-three, two hundred and sixty dollars, (\$260);                                                                                                                                          |
| Clerk of the Court of Appeals.                | for buildings at the Arsenal Academy, made in the year eighteen hundred and sixty-three, twenty-five thousand dollars, (\$25,000);                                                                                                                                          |
| Ferry at Elliott's Cut.                       | for the support of the cadets at the Military Academy, made in the year eighteen hundred and sixty-three, one thousand dollars,                                                                                                                                             |
| Poor of Columbia.                             | (\$1,000); for rent of a house for the Governor, made in the year eighteen hundred and sixty-four, one thousand two hundred                                                                                                                                                 |
| Marine School at Charleston.                  | dollars, (\$1,200); for the Clerk of the Court of Appeals, at Columbia, for wood, stationery, &c., made in the year eighteen                                                                                                                                                |
| Wm. J. Rivers.                                | hundred and sixty-four, seventy-five dollars, (\$75); for the ferry at Elliott's Cut, made in the years eighteen hundred and sixty-three                                                                                                                                    |
| Temporary Barracks.                           | and eighteen hundred and sixty-four, six hundred dollars, (\$600); for the transient poor, at Columbia, made in the year eighteen                                                                                                                                           |
| Military Academy.                             | hundred and sixty-four, two thousand dollars, (\$2,000); for the Marine School, at Charleston, made in the year eighteen hundred                                                                                                                                            |
| Asa George.                                   | and sixty-four, ten thousand dollars, (\$10,000); for William J. Rivers, for recording names of soldiers, &c., made in the year                                                                                                                                             |
| Military Contingencies.                       | eighteen hundred and sixty-four, two thousand five hundred dollars, (\$2,500); for temporary barracks for cadets, made in the                                                                                                                                               |
|                                               | year eighteen hundred and sixty-four, fifteen thousand dollars, (\$15,000); for the education of six young men at the Military                                                                                                                                              |
|                                               | Academy, made in the year eighteen hundred and sixty-four, two thousand and four hundred dollars, (\$2,400); Asa George, for construction of revolving cannon, appropriation of February, eighteen                                                                          |
|                                               | hundred and sixty-three, two thousand eight hundred and fifty-seven dollars and fifteen cents; Military Contingencies, appropriated in December, eighteen hundred and sixty-four, one million                                                                               |



six hundred and fifty dollars; balance of appropriations for free schools, prior to December, eighteen hundred and sixty-five, eighty-three thousand two hundred and eighty-two dollars and eighty-seven cents, (\$83,282.87); New State House, balance to first of October, eighteen hundred and sixty-five, thirteen thousand nine hundred and sixteen dollars and sixty cents, (\$13,916.60); Military Academy, Charleston, five thousand dollars, (\$5,000,) be, and the same are hereby, withdrawn, and the Comptroller General and Treasurer are hereby authorized to make such entries on their respective books as may be necessary by reason of this Act.

A. D. 1866.

Free Schools.

New State  
House.Military  
Academy at  
Charleston.

In the Senate House, the nineteenth day of December, in the year of our Lord one thousand eight hundred and sixty-six.

W. D. PORTER, President of the Senate.

C. H. SIMONTON, Speaker House of Representatives.

Approved December 19th, 1866: JAMES L. ORR, Governor.

AN ACT TO ALTER THE LAW IN RELATION TO THE PUBLICATION OF LEGAL NOTICES. No. 4796.

*Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That in every case in which, by existing or future laws, a publication is provided to be made in a newspaper or gazette printed in the District, it is intended that such newspaper shall be published at the seat of justice for such District. And in all cases in which no newspaper is published at the "seat of justice" in any District, all publications shall be made as now by law provided, when no newspaper is published in the District.

How construed  
as to News-  
papers.

In the Senate House, the fourteenth day of December, in the year of our Lord one thousand eight hundred and sixty-six.

W. D. PORTER, President of the Senate.

C. H. SIMONTON, Speaker House of Representatives.

Approved December 14th, 1866: JAMES L. ORR, Governor.

AN ACT TO SHORTEN AND REGULATE THE PUBLICATION OF NOTICES TO ABSENT DEFENDANTS IN EQUITY. No. 4797.

*Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That hereafter a decree *pro confesso* may be had against any defendant to a bill or other proceeding in equity, who may be without the State, after notice from the Register in Equity for

Decree *pro*  
*confesso*, when  
obtained.

A. D. 1866.

the District in which such bill or other proceeding is filed, published in a newspaper once within every ten days of the time hereinafter mentioned, that such defendant appear and plead, answer or demur to such bill or other proceeding within forty days from the date of the first publication of said notice, or that a decree *pro confesso* be entered of record against him, any law, usage or practice to the contrary in anywise notwithstanding.

In the Senate House, the nineteenth day of December, in the year of our Lord one thousand eight hundred and sixty-six.

W. D. PORTER, President of the Senate.

C. H. SIMONTON, Speaker House of Representatives.

Approved December 19th, 1866: JAMES L. ORR, Governor.

NO. 4798. AN ACT TO CARRY INTO EFFECT THE DONATION MADE BY AN ACT OF CONGRESS TO THE SEVERAL STATES AND TERRITORIES WHICH MAY PROVIDE COLLEGES FOR THE BENEFIT OF AGRICULTURE AND THE MECHANIC ARTS.

Fund to be invested in name of Trustees of the University of South Carolina.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the funds arising from the lands donated by an Act of Congress entitled "An Act donating public lands to the several States and Territories which may provide colleges for the benefit of agriculture and the mechanic arts," approved July second, in the year of our Lord one thousand eight hundred and sixty-two; and also by the subsequent Acts extending the same, when realized and paid into the Treasury, under the Joint Resolution of this General Assembly, shall be invested by the Treasurer, in the name of the Trustees of the University of South Carolina, and under their direction in such securities as are required by the said Act of Congress; and the said securities are hereby declared to be a fund devoted to the endowment, support and maintenance of a college or school in the said University, where the leading objects shall be, without excluding other scientific and classical studies, and including military tactics, to teach such branches of learning as are related to agriculture and the mechanic arts, in the manner most approved by modern science and experience.

Trustees to organize said College.

II. The said Trustees shall, as soon as practicable, proceed to organize the said college or school, and make by-laws for its government; they shall have power to make such alterations in the buildings of the University as may be requisite, and as soon as the funds shall be transferred to them, they shall appoint such additional Professors as the income of the fund will permit.

In the Senate House, the nineteenth day of December, in the year of our Lord one thousand eight hundred and sixty-six.

W. D. PORTER, President of the Senate.

C. H. SIMONTON, Speaker House of Representatives.

Approved December 19th, 1866: JAMES L. ORR, Governor.

AN ACT TO FURTHER EXTEND THE TIME ALLOWED THE GREENVILLE AND COLUMBIA RAILROAD COMPANY TO CONSTRUCT A BRANCH OF THEIR ROAD FROM SOME POINT ON THEIR MAIN TRUNK WEST OF SALUDA RIVER, TO CONNECT WITH THE SOUTH CAROLINA RAILROAD AT OR EAST OF AIKEN.

A. D. 1866.

No. 4799.

*Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the second Section of an Act entitled "An Act to amend the charter of the Greenville and Columbia Railroad Company," ratified on the twentieth day of December, in the year of our Lord one thousand eight hundred and fifty-three, and the first Section of an Act entitled "An Act to extend the time allowed the Greenville and Columbia Railroad Company, and the Newberry and Chester Railroad Company, to open books of subscription to the capital stock of said companies," ratified on the twenty-first day of December, in the year of our Lord one thousand eight hundred and fifty-four, be, and the same are hereby, renewed and extended for the period of five years from the ratification of this Act.

Charter renewed and extended for five years.

In the Senate House, the twentieth day of December, in the year of our Lord one thousand eight hundred and sixty-six.

W. D. PORTER, President of the Senate.

C. H. SIMONTON, Speaker House of Representatives.

Approved December 20th, 1866: JAMES L. ORR, Governor.

AN ACT TO ALTER AND AMEND AN ACT ENTITLED "AN ACT TO LEND THE NAME AND CREDIT OF THE STATE TO THE GREENVILLE AND COLUMBIA RAILROAD COMPANY, IN THE RE-ADJUSTMENT OF THEIR DEBT." No. 4800.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That an Act entitled "An Act to lend the name and credit of the State to the Greenville and Columbia Railroad Company, in the re-adjustment of their debt," ratified on the twenty-eighth day of January, A. D. one thousand eight hundred and sixty-one, be, and the same is hereby, altered, amended and extended, as follows: That to meet the objections, that the bonds which have been heretofore issued and endorsed under the authority of the said Act, bear date after the commencement of the late war, and are entitled "Confederate States of America," the said company is hereby authorized and empowered to issue new bonds, to be substituted for those already issued and endorsed, to the amount of seven hundred thousand dollars; and it shall be the duty of the Comptroller General, from time to time, as the bonds heretofore issued and entitled as aforesaid shall be delivered to him for exchange, either by the company or by the holders thereof, to en-

New Bonds to be issued.

Comptroller General to endorse guaranty of State.



A. D. 1866.

Bonds to be  
deposited in  
State Treasury.

When the  
Comptroller  
shall endorse.

Provision for  
payment of in-  
terest.

Rate of in-  
terest.

Certificates  
may be re-  
deemed.

When the  
Comptroller  
shall endorse.

Bond debt of  
\$600,000.

dorse the guaranty of the State upon new bonds, upon the same terms and conditions, in every respect, as is authorized by the said Act; and to exchange the new bonds thus endorsed for those heretofore issued, until the whole, if required, shall have been substituted by a new issue.

II. That the bonds thus delivered to, and received in exchange by, the Comptroller General, shall be by him deposited in the State Treasury, and all bonds hereafter taken up by the said company according to the provisions of the said Act, shall be deposited with the Treasurer, instead of with the President of the Bank of the State, as is therein directed; and whenever evidence shall be furnished the Comptroller General that the said company has taken up and deposited with the Treasurer two hundred thousand dollars of the bonds now secured by mortgage, in addition to those heretofore deposited with the President of the Bank of the State, he shall endorse the bonds of the company to the amount of two hundred thousand dollars more, which will complete the endorsement of nine hundred thousand dollars, as provided by the said Act.

III. That for the purpose of paying the interest past due, and to fall due prior to the first of January, one thousand eight hundred and sixty-eight, upon the said nine hundred thousand dollars of mortgage and guaranteed bonds of the company, it shall be the duty of the Comptroller General, as soon after the ratification of this Act as the direction of the said company may desire it, to endorse the guaranty of the State upon certificates of indebtedness to be issued by the said company, and used in paying the interest on their mortgage and guaranteed debt, to the amount of one hundred thousand dollars, thereby pledging the faith and funds of the State for the payment of the principal of the said certificates of indebtedness and the interest to accrue thereon, which certificates shall be payable at such place as the direction of the said company may order, and shall bear interest at a rate not exceeding seven per cent. per annum, payable semi-annually, and shall not have more than twenty years to run, with a condition that the said company shall have the right to redeem said certificates at any time after the first day of January, A. D. one thousand eight hundred and seventy. And whenever the said company shall furnish evidence to the Comptroller General, by the deposit of the coupons with the Treasurer, or otherwise, that one hundred thousand dollars of the interest due upon its mortgage and guaranteed bonds has been paid, he shall endorse the further amount of one hundred thousand dollars of certificates of indebtedness; and upon like evidence being furnished him that another hundred thousand dollars of the interest due, and to fall due up to the first of January, eighteen hundred and sixty-eight, has been paid, he shall endorse a further amount of one hundred and fifty thousand dollars of certificates of indebtedness, which will complete the guaranty by the State of twelve hundred and fifty thousand dollars on account of the mortgage and guaranteed bonds of the said company, with the interest that has and will accrue thereon up to the first of January, one thousand eight hundred and sixty-eight.

IV. That in order to enable the said company to adjust their bond debt of six hundred thousand dollars, with the interest past

due and which shall accrue thereon up to the first day of January, A. D. one thousand eight hundred and sixty-eight, to secure the payment of which no mortgage or other lien has heretofore been created, the Comptroller General is hereby authorized and directed to endorse the guaranty of the State upon other bonds and certificates of indebtedness to the said company to the amount of two hundred and fifty thousand dollars, thereby pledging the faith and funds of the State for the payment of the principal of said bonds and certificates of indebtedness, and the interest to accrue thereon, which bonds and certificates of indebtedness shall be payable at such place as the direction of said company shall order, and shall bear interest at a rate not exceeding seven per cent. per annum, payable semi-annually, and shall not have more than twenty years to run, with a condition that the said company shall have the right to redeem said certificates at any time after the first day of January, A. D. one thousand eight hundred and seventy: *Provided*, That the last mentioned bonds and certificates of indebtedness, endorsed as aforesaid, shall not be used for any other purpose than for taking up the bonds of the said company, which have been heretofore issued, without the security of a mortgage or other lien: *And provided further*, That the bonds so taken up shall not be estimated at a higher value than the one-third of the amount of principal and interest due thereon at the time such substitution is made.

A. D. 1866.

Provided for.

Value fixed.

V. That for the purpose of effecting the substitution of bonds provided for in the preceding Section, said company shall prepare the bonds and certificates of indebtedness and deposit them with the Comptroller General; and it shall be the duty of the Comptroller General, as the bond holders shall present their bonds to be substituted, to estimate the amount due thereon, and, thereupon, to endorse and deliver to such bondholder the new bonds or certificates of indebtedness for the amount due said bondholder, estimating the old bonds, as hereinbefore required, at not exceeding one-third of their par value.

Bonds to be deposited with Comptroller General.

VI. That the statutory mortgage contained in the second Section of the Act of which this Act is amendatory shall constitute a lien on all the property, franchises and estate of said company, to secure the payment of principal and interest of the entire debt of fifteen hundred thousand dollars thus guaranteed to the adjustment of the original mortgage and guaranteed debt of said company, and also the debt of six hundred thousand dollars and interest thereon, which is not secured by mortgage.

Mortgage extended.

VII. That all Acts and parts of Acts inconsistent with this Act be, and the same are hereby, repealed.

Acts repealed.

In the Senate House, the twentieth day of December, in the year of our Lord one thousand eight hundred and sixty-six.

W. D. PORTER, President of the Senate.

C. H. SIMONTON, Speaker House of Representatives.

Approved December 20th, 1866: JAMES L. ORR, Governor.

A. D. 1866.

## AN ACT TO MAKE CERTIFIED COPIES EVIDENCE.

No. 4801.

What instruments admitted.

Notice required.

*Be it enacted* by the Senate and House of Representatives of the State of South Carolina, now met and sitting in General Assembly, and by the authority of the same, That a copy of any administration bond, guardianship bond, Constable's bond, bond of a trustee, or bond of the committee of a lunatic, and all other instruments in writing, which by law are required, or permitted to be in writing, and kept in a public office, certified by the person having the custody of the same, shall be admitted in evidence in any of the Courts of this State, on thirty days' previous notice of the intention to offer such copy being given to the party against whom it is to be offered, or his or her attorney.

In the Senate House, the fourteenth day of December, in the year of our Lord one thousand eight hundred and sixty-six.

W. D. PORTER, President of the Senate.

C. H. SIMONTON, Speaker House of Representatives.

Approved December 15th, 1866: JAMES L. ORR, Governor.

No. 4802. AN ACT TO INCORPORATE THE FARMERS' AND MERCHANTS' CITY RAILWAY COMPANY, OF SOUTH CAROLINA.

Incorporation of Company.

Name and style of Company.

Capital stock may be increased.

Proviso.

Powers of Company to lay tracks, &amp;c.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That Alonzo J. White, William A. Courtenay, Robert Adger, Z. B. Oakes, T. J. Kerr, Wm. J. Hastie and John Ferguson, and all those persons who may become members of the "Farmers' and Merchants' City Railway Company, of South Carolina," be, and the same are hereby, declared a body politic and corporate, under the style and name of the "Farmers' and Merchants' City Railway Company, of South Carolina;" and by that title shall have power to take, subscribe and raise a capital stock to the amount of two hundred thousand dollars, (\$200,000,) in shares of twenty-five dollars (\$25) each, if so much be necessary, for the purpose contemplated, with power to increase the said capital to the further sum of five hundred thousand dollars, (\$500,000,) if found necessary: *Provided*, That such increase be assented to by a majority in number of the stockholders, who shall be notified in two of the public papers of the city of Charleston of a meeting to be held for that purpose.

II. That the said "Farmers' and Merchants' City Railway Company, of South Carolina," shall have power and authority, subject, as is hereinafter provided, to the Ordinances, authority and supervision of the City Council of Charleston relative thereto, to lay railway tracks through and along the streets within the corporate limits of the city of Charleston, and to use and employ upon such railway tracks sufficient and suitable cars, to be drawn by horses or animal power, for the transportation of passengers and freight upon such rates as shall be fixed by the said company and approved of



by the said City Council, and for this purpose shall have all the authority and power necessary to carry the same into effect: *Provided*, That such tracks shall not be laid until the assent of two-thirds of the whole number of the City Council shall first have been obtained.

A. D. 1866.

Proviso.

III. That the said "Farmers' and Merchants' City Railway Company of South Carolina," shall be able and capable, by its corporate name, to buy property and to sell, for the purpose of its business, to sue and be sued, to plead and be impleaded, to answer and be answered unto, in any Court of law or equity in this State, to have succession of officers and members, and shall have power to make by-laws, not repugnant to the laws of the land, for the government and good order of its members, as shall be deemed expedient by a majority of the stockholders, and to have a common seal, and to alter and make new the same.

Power to own property.

Sue and be sued.

Corporate Seal, &amp;c.

Duration of Act twenty-one years.

IV. That this Act shall remain in force and continue for the term of twenty-one years, and from thence until the expiration of the next session of the Legislature, and no longer.

V. That the said "Farmers' and Merchants' City Railway Company of South Carolina," before laying any railway tracks for the purpose of running cars thereon in any street or streets in the city of Charleston, shall fully and formally submit their plan or plans, designating the street or streets on which they purpose to construct a railway, to the municipal authorities of said city, for their approval; and that all their works along and through the streets of said city be under the authority, supervision and arrangement of the corporate authorities of the city of Charleston, subject to such provisions, contracts, ordinances and restrictions as they may deem advisable for the general welfare and due protection of public and private rights; as, also, for the protection of the property of said company.

Company to submit plans to city authorities for approval.

VI. That the said "Farmers' and Merchants' City Railway Company of South Carolina" shall have power and authority to issue bonds to an amount equal to one-half of their capital subscribed, the same to be redeemable at such time, not exceeding twenty (20) years, as may be agreed upon by the said company, and to bear interest at the rate of seven per cent. per annum, payable semi-annually.

Company may issue bonds.

In the Senate House, the twentieth day of December, in the year of our Lord one thousand eight hundred and sixty-six.

W. D. PORTER, President of the Senate.

C. H. SIMONTON, Speaker House of Representatives.

Approved December 20th, 1866: JAMES L. ORR, Governor.

A. D. 1866.

No. 4803.

AN ACT TO EXTEND THE DURATION OF AN ACT ENTITLED "AN ACT TO EXTEND THE DURATION OF AN ACT AUTHORIZING THE FORMATION OF LIMITED PARTNERSHIPS."

Act continued  
of force until  
repealed.

*Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the duration of an Act entitled "An Act to extend the duration of an Act authorizing the formation of limited partnerships," passed on the eighteenth day of December, in the year of our Lord one thousand eight hundred and forty-six, be extended, and continued of force until the same shall be repealed.

In the Senate House, the twentieth day of December, in the year of our Lord one thousand eight hundred and sixty-six.

W. D. PORTER, President of the Senate.

C. H. SIMONTON, Speaker House of Representatives.

Approved December 20th, 1866: JAMES L. ORR, Governor.

No. 4804. AN ACT TO ESTABLISH AN ADDITIONAL CLASS OF FLOUR, TO BE CALLED FAMILY FLOUR.

Acts of 1850  
and 1856  
amended.

Class of Family  
Flour estab-  
lished.

*Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That an Act entitled "An Act to provide for the inspection of flour," ratified on the twentieth day of December, in the year of our Lord one thousand eight hundred and fifty, and an Act entitled "An Act to amend an Act entitled 'An Act to provide for the inspection of flour, and to repeal an Act amending the same,'" ratified on the twentieth day of December, in the year of our Lord one thousand eight hundred and fifty-six, be, and the same are hereby, amended by adding a class of flour to those established by the said Acts, to be distinguished by the designation "Family." And it shall be the duty of the Inspector of Flour to place the brand "Family" on all barrels or sacks of flour ascertained to be of a quality better than that entitling the same to the brand "Extra," and that the Inspector be allowed not more than two and a half cents per package for inspecting.

In the Senate House, the nineteenth day of December, in the year of our Lord one thousand eight hundred and sixty-six.

W. D. PORTER, President of the Senate.

C. H. SIMONTON, Speaker House of Representatives.

Approved December 19th, 1866: JAMES L. ORR, Governor.

## AN ACT TO VEST THE RIGHT AND TITLE OF THE STATE IN CERTAIN PROPERTY THEREIN MENTIONED IN CERTAIN PERSONS.

A. D. 1866.

No. 4805.

*Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That all the right, title and interest of the State in and to any property of Allen Steen, deceased, late of Marlborough District, be, and the same is hereby, vested in John Steen, Sarah Steen, and Mary Steen, their heirs and assigns forever, subject, nevertheless, to the claims of any creditors of the said Allen Steen.

Property  
vested but sub-  
ject to claims  
of creditors.

In the Senate House, the twentieth day of December, in the year of our Lord one thousand eight hundred and sixty-six.

W. D. PORTER, President of the Senate.

C. H. SIMONTON, Speaker House of Representatives.

Approved December 20th, 1866: JAMES L. ORR, Governor.

## AN ACT TO PROVIDE ARTIFICIAL LEGS FOR ALL CITIZENS OF THE STATE WHO HAVE LOST THEIR LEGS DURING THE RECENT WAR. No. 4806.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the Governor be, and he is hereby, authorized to furnish all citizens of this State, who have lost their legs during the recent war, in the service of the country, with artificial legs; and the sum of twenty thousand dollars, if so much is necessary to pay for the same, is hereby appropriated for that purpose, and all other purposes necessary to carry out the provisions of this Act.

Authority of  
Governor.

Appropriation of twenty  
thousand dol-  
lars.

II. That all railroad companies in this State be requested to transport, to and from Columbia, or any other place that may be designated by the Governor, free of charge, all citizens of the State entitled to artificial legs under the foregoing Section of this Act.

Railroad  
Companies re-  
quested, &c.

In the Senate House, the twentieth day of December, in the year of our Lord one thousand eight hundred and sixty-six.

W. D. PORTER, President of the Senate.

C. H. SIMONTON, Speaker House of Representatives.

Approved December 20th, 1866: JAMES L. ORR, Governor.



A. D. 1866.

## AN ACT TO AUTHORIZE AND REGULATE THE CREATION OF PRIVATE CORPORATIONS WITHIN THIS STATE.

No. 4807.

Private Corporations.  
Exceptions.

How applied for.

When Chancellor or Judge may grant.

Evidence of incorporation.

Liability of members of.

Fee of Clerk.

Powers of Corporations.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That a private corporation for any purpose whatever, excepting bank, insurance, constructing railroads, canals, turnpikes, bridges, causeways and ferries, making and selling gas for light in and for any city, town or village, supplying the inhabitants of any city, town or village with water, manufacturing or distilling spirituous or intoxicating liquors, and also excepting military, fire and lottery companies, may be created in this State by complying with the following provisions: 1. A petition by the persons desiring a charter to the Court of Common Pleas for the District, where a majority of the corporators reside, or in which they may desire to transact business, or to a Judge or Chancellor at Chambers, setting forth the object of their association, the amount of its capital stock, if any there be, the privileges they desire to exercise, and the name and style by which they desire to be incorporated, (notice of such application having been first published once a week for two months in one or more public gazettes nearest to the point where such business is to be located.) 2. If, upon hearing such petition, the said Court, or the said Judge or Chancellor at Chambers, shall be satisfied that the application is legitimately within the provision and intention of this Act, and not inconsistent with the public welfare, the said Court, Judge or Chancellor, as the case may be, shall pass an order, declaring the said application granted, and the petitioners and the successors incorporated for and during a term not exceeding fourteen years, with the privilege of renewal at the expiration of that time, according to the provisions above set forth; and the said petition and order shall be filed in the office of the Clerk of the said Court for the District in which the business of the corporation is to be transacted, and it shall be the duty of the said Clerk to record the same in a book, to be procured by him for the purpose, at the expense of the funds in the hands of the Commissioners of Public Buildings for his District, and he shall also forward a certified copy thereof to the Secretary of State, to be filed in his office. A certified copy of said petition and order, under the seal of the said Court, shall be evidence of such incorporation in any Court in this State. 3. The individual members of such corporations, whenever the object of the association is for the purpose of trading or transacting business for profit, shall be jointly and severally bound for the ultimate payment of all the contracts of said companies, incurred while they are members of the same. 4. The Clerk of the Court, for his services in each case, shall receive the sum of two dollars. 5. Corporations thus created, shall have succession of officers and members, power and authority to make all by-laws not repugnant to the laws of the land, to have and use a common seal, and the same to alter at will, to sue and be sued, plead and be impleaded in any Court of law or equity in this State, and may exercise all corporate powers necessary to the purpose of their organization, but shall make no contracts, or purchase or hold any property

of any kind, except such as is necessary in legitimately carrying into effect such purpose, or for securing debts due to the company.

II. A private corporation, for the purpose of carrying on any agricultural, mechanical, mining, or manufacturing business, excepting that of manufacturing or distilling spirituous or intoxicating liquors, may be created without the stockholders incurring an individual liability for its indebtedness by complying with the following provisions: 1. A declaration in writing by the applicants, specifying the object of their association, and the particular business they propose to carry on, together with their name, and the amount of capital to be employed by them, and the time, not exceeding thirty years, for which they desire to be incorporated; which declaration shall be signed by all the stockholders, and accompanied by the affidavit of the President, taken before some person authorized to administer oaths, of the amount of capital in gold and silver, or current funds, or property, at its sworn valuation actually paid in, owned and employed by such corporation. 2. Such declaration and affidavit shall be filed in the office of the Clerk of the Court of Common Pleas for the District where the business is proposed to be transacted, to be by him recorded in a book to be procured by him for the purpose at the expense of the funds in the hands of the Commissioners of Public Buildings for his District, as hereinbefore provided, and shall be published once a week for two months, in one or more public gazettes, nearest to the point where such business is located, the expense of such publication to be paid by the applicants. At the expiration of the said time, the Clerk of said Court shall issue a certified copy of said declaration and affidavit, adding the time and manner of publication, which shall be held and received as evidence of the charter of said corporation in any Court in this State. The said Clerk shall also forward to the Secretary of State, to be filed in his office, a certified copy of said declaration and affidavit, and he shall receive for his services in each case the sum of two dollars. 3. If such corporation shall, at any time, desire to increase their capital stock, an affidavit, like to the above, shall be made, recorded and published as above, and a new certificate issued. 4. If the affidavit taken by the President, as hereinbefore provided, be false as to the amount of capital, *bona fide*, paid in, owned and employed by such corporation, each and every incorporator shall be jointly and severally liable for all debts and contracts made at any time by said corporation. 5. The whole amount of the indebtedness of such corporation, not counting its capital stock, shall not, at any time, exceed the capital stock actually paid in. And in case of a violation of this provision, the officers and agents by whom such excess shall be created, shall be jointly and severally liable to the extent of such excess, for all debts of the company then existing, and also, for all debts contracted while they are in office, until the debts shall be reduced to the amount of the capital stock actually paid in. 6. If the officers or Directors of such corporation shall declare and pay any dividend, when the company is insolvent, or any dividend, the payment of which would render it insolvent, or which would diminish the amount of its capital stock, they shall be jointly and severally liable for all the debts of the company then existing, and for all that shall be thereafter

A. D. 1866.

Private Corporations, with exceptions.

How created without individual liability

Evidence of charter.

Duty of Clerk.

May increase capital.

Penalty in case of violation of charter.

Penalty of officers in certain cases.

A. D. 1896.

Proviso.

Annual report.

Penalty for not making.

Penalty for making false reports.

Liability of stockholders.

Privileges of corporation.

Record to be kept by Treasurer or Clerk open to inspection.

contracted, while they shall respectively continue in office: *Provided*, That if any of the officers or Directors shall object to the declaring of such dividend, or to the payment of the same, and shall, at any time before the time fixed for the payment, file a certificate of their objection in writing, with the Secretary of the company, and with the Clerk of the Court of Common Pleas for the District in which the business of the corporation is transacted, they shall be exempt from said liability. 7. Every such corporation shall, annually, within twenty days from the first day of January, make a report, setting forth the amount of its capital, the proportion thereof actually paid in, and the amount of its existing debts; which report shall be signed by the President, verified by the oath of the President or Secretary, and filed in the office of the Clerk of the Court for the District where the business of the company shall be carried on; and upon failure so to do, all the officers and Directors of the company shall be jointly and severally liable for all the debts of the company then existing, and for all that shall be contracted before such report shall be made. And if any certificate or report, made in pursuance hereof, shall be false in any material representation, all the officers who shall have signed the same, knowing it to be false, shall be jointly and severally liable for all the debts of the company contracted while they are stockholders or officers thereof. 8. The stockholders of such corporation shall be jointly and severally individually liable for all debts that may be due and owing to all their laborers, servants and apprentices, for services performed for such corporation. 9. Such corporation shall have power and capacity to purchase, take and hold, in fee simple or for years, such real and other property as may be necessary for the purpose of their organization, or such as they may take in settlement of any debts due to them, and may dispose of the same, and shall have succession of officers and members, power and authority to make all by-laws, not repugnant to the laws of the land, to have and use a common seal, and the same to alter at will, to sue and be sued, plead and be impleaded, in any Court of law or equity in this State, and shall have and enjoy all corporate powers necessary for the purpose of the corporation, not inconsistent with the laws of this State.

III. It shall be the duty of the officers or managers of every corporation or company formed or created under this Act to cause a book to be kept by the Treasurer or Clerk thereof, containing the names of all persons who shall within four years have been stockholders of such company, and showing their places of residence, the number of shares of stock held by them, respectively, and the time when they respectively became the owners thereof, which book shall be kept at the office or principal place of business of such company, in the District where its business operations shall be located, and shall be at all times, during the usual business hours of the day, open for the inspection of stockholders and creditors of the company, and their personal representatives. And any and every such stockholder, creditor or representative, shall have a right to make extracts from such book, and said book shall be presumptive evidence of the fact therein stated in favor of the plaintiff in any suit or proceeding against such company, or against one or more stockholders. And every officer or agent of such company, who shall



neglect to make any proper entry in such book, or shall refuse or neglect to exhibit the same, or allow the same to be inspected, and extracts taken therefrom, as provided hereby, shall be deemed guilty of a misdemeanor, and the company shall forfeit and pay to the party injured a penalty of fifty dollars for every such neglect or refusal, and all the damages resulting therefrom.

A. D. 1866.

Penalty for  
non-compliance.

IV. If any corporation formed or created under this Act shall not organize and commence the transaction of its business within one year from the date of its incorporation, its corporate powers shall cease.

Limitation.

V. For the encouragement of trade with foreign countries, and the other States of the United States, private corporations, having such trade for their object, may be formed by any number of the citizens of this State, by complying with the provisions of the foregoing Section, incorporating companies for carrying on any agricultural, mechanical, mining or manufacturing business, excepting that of manufacturing or distilling spirituous or intoxicating liquors.

May be formed  
for trade with  
other States  
and foreign  
countries.

VI. The General Assembly may, at any time, alter, amend, or repeal this Act, or may alter, suspend, annul or repeal any incorporation formed or created under this Act, at its discretion, but such amendment, repeal or dissolution, shall not take away or impair any remedy given against any such incorporation, its stockholders or officers, for any liability which shall have been previously incurred.

Reservation to  
repeal, sus-  
pend, &c.

In the Senate House the twentieth day of December, in the year of our Lord one thousand eight hundred and sixty-six.

W. D. PORTER, President of the Senate.

C. H. SIMONTON, Speaker House of Representatives.

Approved December 20th, 1866: JAMES L. ORR, Governor.

AN ACT TO AUTHORIZE THE ISSUE OF BONDS OR STOCK TO PAY  
AMOUNT DUE THE CONTRACTORS FOR MARBLE WORK OF NEW  
STATE HOUSE. No. 4808.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That His Excellency the Governor be, and is hereby, authorized and empowered to adjust with Messrs. Sisson and Dougherty, contractors for the marble work for the New State House, the balance due them from the State on account of work done under their contract during the year one thousand eight hundred and sixty-four, and upon ascertaining the amount so due, to issue therefor and transfer or deliver to said contractors bonds or stock in the name of the State, to be countersigned by the Treasurer, bearing interest at the rate of six per cent. per annum, payable semi-annually at the Treasury of the State, and redeemable thereat, on the first day of January, in the year of our Lord one thousand eight hundred and eighty-five.

Governor to  
adjust debt to  
Sisson and  
Dougherty,  
and issue bonds  
or stock.

A. D. 1866.

State pledged  
for payment.

II. That the faith of the State is hereby pledged for the punctual payment of the interest on said bonds or stock, and for the redemption of the principal of the same when it shall become due.

In the Senate House, the seventh day of December, in the year of our Lord one thousand eight hundred and sixty-six.

W. D. PORTER, President of the Senate.

C. H. SIMONTON, Speaker House of Representatives.

Approved December 8th, 1866: JAMES L. ORR, Governor.

NO. 4809. AN ACT TO PROVIDE FOR THE REGISTRATION OF TRUST DEEDS OF PERSONAL PROPERTY.

Certain deeds  
and other written  
instruments to be re-  
corded as mort-  
gages.

*Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That from and after the passage of this Act all deeds or other written instruments, conveying personal estate and creating a trust or trusts in regard to such property, shall be recorded as mortgages of personal property are now required to be recorded, and, unless so recorded, shall not be valid to affect the rights of subsequent creditors or purchasers for valuable consideration without notice.

In the Senate House, the nineteenth day of December, in the year of our Lord one thousand eight hundred and sixty-six.

WILLIAM D. PORTER, President of the Senate.

C. H. SIMONTON, Speaker House of Representatives.

Approved December 19th, 1866: JAMES L. ORR, Governor.

NO. 4810. AN ACT TO INCORPORATE THE SAVANNAH AND CHARLESTON RAILROAD COMPANY.

Preamble and  
statement.

Whereas, in and by an Act of the General Assembly of the State of South Carolina, ratified on the twentieth day of December, in the year of our Lord one thousand eight hundred and fifty-six, a lien upon the Charleston and Savannah Railroad was created and declared, to secure the payment of certain bonds of the Charleston and Savannah Railroad Company, on which was about to be endorsed the guaranty of the State of South Carolina, which said bonds, to the amount of five hundred and five thousand dollars, bearing interest at the rate of six per centum per annum, were afterwards duly endorsed with the guaranty as aforesaid, which said lien is still existing and in full force and effect, notwithstanding anything hereinafter declared; and whereas afterwards the said Charleston and Savannah Railroad Company did on the first day of

January, in the year of our Lord one thousand eight hundred and fifty-eight, issue their bonds of that date, and bearing interest at the rate of seven per centum per annum, that is to say, two thousand bonds of five hundred dollars each, amounting in all to the sum of one million dollars, and secured, or intended to be secured, by a mortgage of the said Charleston and Savannah Railroad, and its appurtenances, unto Isaac W. Hayne, Edward Sebring and Erastus M. Beach, trustees for that purpose, and the interest on said bonds being greatly in arrears, and the Charleston and Savannah Railroad Company being insolvent and unable to pay the same, and the said road subject to the lien by statute aforesaid of the State, having been sold in satisfaction of said mortgage, and bid in for the use of the holders of the said bonds, a large number of whom, holding more than one-half of all of said bonds, have already associated together, and agreed to form a company for the purpose of rebuilding said railroad, and using the same according to the intent of the original builders thereof, and of the State, with the same rights, privileges, powers and franchises which were granted to the said Charleston and Savannah Railroad Company; therefore,

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That George W. Williams, J. Reid Boylston, John S. Bryan, William S. Hastie and F. J. Willis, for themselves, and as trustees for their associates, who are lawful holders of the said bonds, and have already associated, and such others of the lawful holders of the said bonds as may hereafter come in and join them, and the successors of them, are hereby constituted a body corporate and politic, under the name and style of the Savannah and Charleston Railroad Company, with a capital of one million of dollars, to be subscribed, made up and paid in, the said bonds aforesaid bearing date the first day of January, in the year of our Lord one thousand eight hundred and fifty-eight, and to be divided into ten thousand shares of one hundred dollars each.

II. The said corporate company shall be considered as formed, and this Act of incorporation shall attach and become effectual, and the company may take measures for complete organization, whenever and as soon as six thousand shares shall have been subscribed and paid in the manner aforesaid. To this end the said trustees shall appoint a convenient time and place for the meeting of the stockholders, and shall cause the same to be advertised in the public gazettes of the city of Charleston, for at least two weeks previous to the day of meeting, at which time and place the subscribers to the capital stock as aforesaid may attend in person or by proxy; and the meeting having organized, and a proper registry being made of all the subscribers who may be in attendance in person or by proxy, the trustees aforesaid, or a majority of them attending, shall cause to be presented a ballot box, in which the subscribers may vote by ballot for six Directors, to be elected by a majority of the ballots cast, to serve for one year, and until another or new election shall be made; and the trustees, after a full and reasonable opportunity offered and allowed to all the subscribers to cast their votes, shall count the ballots, declare the election, and make and deliver proper certificates thereof, under

A. D. 1860.

Company in-  
corporate.Name and style  
of company.

Capital stock.

When the com-  
pany may be  
organized.Meeting of  
stockholders.Election of  
Directors.



A. D. 1866.

Directors to  
elect a Presi-  
dent.

the hands of a majority of them, and the said Directors, so chosen, shall, at an early subsequent day, proceed to elect a President of said corporation, who, if not already one of their number, shall, by virtue of his election as President, become one of the direction and the presiding officer thereof, and whose particular duties and powers may be defined by the direction or by the by-laws of the company.

Scale and regu-  
lations of the  
votes of stock-  
holders.

III. That in the said election, and in all future elections of President and Directors, and in the making, altering and repealing of by-laws, and in determining on measures involving the interest of the company, at any stated or occasional corporate meeting, the votes of the stockholders shall be taken and governed by the scale and regulations following: The owner of one or two shares shall be entitled to one vote; the owner of three or four shares shall be entitled to two votes; the owner of five or six shares shall be entitled to three votes; the owner of seven or eight shares shall be entitled to four votes; the owner of not less than nine, or more than eleven shares, to five votes; the owner of not less than twelve, or more than fifteen shares, to six votes; the owner of not less than sixteen, nor more than twenty shares, to seven votes; the owner of not less than twenty-one, nor more than twenty-six shares, to eight votes; the owner of not less than twenty-seven, nor more than thirty-three shares, to nine votes; the owner of not less than thirty-four, nor more than forty shares, to ten votes; and the owner of shares above forty shall be entitled to one vote for every ten shares above forty. No one but a stockholder shall be capable of being a proxy; and the appointment of a proxy shall be in writing, signed by the stockholder appointing. Any person offering to vote as a proxy may be required by any stockholder to swear that he has no interest, directly or indirectly, in the stock on which he offers to vote as proxy; a trustee of stock shall not vote on shares held by him in trust, expressed or declared, where the *cestui que* trust holds other shares, either in his own name or in the name of another trustee; but the *cestui que* trust may vote on all shares owned by him, whether legally or equitably, according to the scale aforesaid: *Provided*, That no stockholder residing in the District where the election is held shall vote by proxy.

Proxies, who  
may be, and ap-  
pointment of.

Proviso.

President and  
Directors to be  
elected annu-  
ally.

Vacancy, how  
filled.

IV. That the election of President and Directors shall be made annually, according to the by-laws to be made for the purpose; and in case any vacancy occurs in the Board, between two periods of general election, a majority of the direction, at any regular or stated meeting of the Board, may elect by ballot, from the stockholders, a person to fill the vacancy so occurring, until the next general election of Directors. But if it happens that the day of annual election of President and Directors shall pass without election, as to all or any of them being effected, the corporation shall not be dissolved nor discontinued thereby; but it shall be lawful on any other day to hold and make such election in such manner as may be prescribed by the by-laws of the corporation, subject to the scale and regulations of the third Section of this Act.

Name of com-  
pany.

V. That the said company, to be organized as aforesaid, shall be called "The Savannah and Charleston Railroad Company," and have perpetual succession of members; may make and have a

common seal, and break and alter it at pleasure; may sue and be sued, answer and be answered unto, by their corporate name aforesaid, in all Courts of law and equity or judicial tribunals in this State, and shall be capable at all times of making and establishing, altering and revoking, all such regulations and by-laws for the government of the company and its direction, as they may find necessary and proper for effecting the ends and purposes intended by the association and contemplated by this Act: *Provided*, Such regulations, rules and by-laws be not repugnant to the Constitution and laws of the State or of the United States.

VI. And the said company, being so organized, upon and after a lawful purchase of all and singular the estate, property, rights, franchises, and whatever else of the Charleston and Savannah Railroad Company was mortgaged to secure payment of the aforesaid bonds, bearing date the first of January, one thousand eight hundred and fifty-eight, and which may be or hath been lawfully sold, or hath been or may be purchased by the said company, or for them or to their use, shall have power to take and accept of and from the trustees to and under said mortgage, such good and sufficient title as they may lawfully make of the mortgaged premises, and of every part thereof, and to hold and have and use the same to such and like purposes, and with such and like franchises and rights as the Charleston and Savannah Railroad Company had therein and could mortgage or sell; and especially the said company, hereby organized, shall have power and authority, through its Direction, to borrow money for the purpose of rebuilding, repairing, improving or constructing the said road or the bridges thereof, and all other its appendages or appurtenances; and to secure the repayment of money borrowed for such purposes the said company may, under its corporate seal, witnessed by the signature of the President and the Secretary or the Treasurer thereof, as the case may be, mortgage or convey in trust by way of mortgage, all its property, estate, rights, privileges and franchises which may be lawfully the subject of mortgage; or the said company may, through and by its direction, hypothecate or assign and transfer by way of mortgage, the stock, and the certificates thereof, in said company, to secure the repayment of moneys which may be hereafter borrowed for the purposes aforesaid, and such mortgage or hypothecation shall be good and sufficient in law or equity without the holder or holders thereof, or the lender or lenders of the money, being required or held liable to see to the proper application of the money so loaned to and for the purposes intended as aforesaid.

VII. That the said Savannah and Charleston Railroad Company shall have power and capacity to purchase, take and hold in fee simple or for years, to them and their successors, any lands, tenements or hereditaments that they may find necessary for the site on and along which to locate, run and establish the railroad aforesaid, or to rebuild or change the route thereof, or to vary or to alter the plan or plans to such breadth or dimensions through the whole course of the road, as they may see fit; and in like manner to purchase, take and hold any land contiguous to, or in the vicinity of, the said railroad that they may find necessary for the procuring, and from time to time readily obtaining, all proper materials of

A. D. 1866.

Powers, rights  
and privileges  
of.

Proviso.

Company may  
purchase the  
estate, &c., of  
the Charleston  
and Savannah  
Railroad Com-  
pany.May borrow  
money for cer-  
tain purposes.May mortgage  
or convey on  
trust its pro-  
perty, &c.May purchase  
and hold in fee  
simple, lands,  
&c.Change the  
route of road,  
&c.

A. D. 1866.

May cross other  
railroads and  
public roads.

Proviso.

When rights of  
way cannot be  
purchased,  
may be taken  
by appraisement of Com-  
missioners.Duty of said  
Commission-  
ers.How said lands  
shall be valuedAppeal may be  
made by either  
party, andPending ap-  
peal, the con-  
struction of the  
work shall not  
be suspended.

what kind soever, for constructing, repairing, grading and sustaining the said railroad, and in like manner to purchase all private rights of way or water courses that may be on or across the route through which the said railroad may pass, and also all of lands contiguous thereto that may be found necessary for the erecting of toll houses, store houses, work shops, barns, stables, residences and accommodation for servants, agents and mechanics, and for the stabling and maintaining all animals of labor; and the said company shall have power, if need be, to conduct their railroad across and over any public road, or any other railroad, river, creek, waters or water courses, that may be in the route: *Provided*, That the passage of the public road or navigation of the stream be not obstructed thereby.

VIII. That in any case where lands or private rights of way may be required by the said company for the purposes aforesaid, and the same cannot be purchased from the owner or owners, for want of agreement of the parties as to price, or from any other cause, the same may be taken by the company at a valuation to be made by the Commissioners, or a majority of them, to be appointed by the Court of Common Pleas of the District in which any part of the land or right of way may be situated; and the said Commissioners, before they act, shall severally take an oath before some Magistrate faithfully and impartially to discharge the duty assigned them. In making the said valuation the said Commissioners shall take into consideration the loss or damage which may occur to the owner or owners in consequence of the land or the right of way being taken, and also the benefit or advantage he, she or they may receive from the establishment or erection of the railroad and works, and shall take into consideration particularly the nature and amount of each; and the excess of loss and damage, over and above the benefit and advantage, shall form the measure of valuation of said land or right of way. The proceedings of the said Commissioners, accompanied with a full description and plat of the said land, shall be returned under the hands and seals of a majority of the said Commissioners to the Court from which the Commission issued, there to remain of record. Either party to the proceeding may appeal from the said valuation to the next session of the Court granting the Commission, giving reasonable notice to the opposite party of such appeal; and the Court, upon satisfactory proof that the appellant has been injured by such valuation, shall order a new valuation to be made by a jury, who shall be charged therewith in the same term, and their verdict shall be final and conclusive between the parties, unless a new trial be granted; and the lands and right of way, so valued by the Commissioners or jury, shall vest in the said company in fee simple, so soon as the valuation thereof may be paid or tendered and refused. Where there shall be an appeal, as aforesaid, from the valuation of the Commissioners, by either of the parties, the pendency of such appeal shall not prevent the company from proceeding in the construction of their work in and upon said land or way; but when the appeal shall be made by the company requiring the surrender, they shall be at liberty to proceed in their work only on condition of giving to the opposite party a bond with good security, to be approved of



by the Clerk of the Court where the valuation is returned, in a penalty equal to double the said valuation, conditioned for the payment of said valuation and interest, in case the same be sustained, and in case it be reversed, for the payment of the valuation thereafter to be made by the jury and confirmed by the Court. In all assessments made by the Commissioners or jury, as aforesaid, after the construction of the road or the part thereof upon the land to be valued, reference shall be had to the true value of the land at the time of the erection of the said road or part thereof upon the land to be valued, reference shall be had to the true value of the land at the time of the erection of the said road or part thereof, and the use thereof by said company for the purposes of said road shall be considered as an actual possession of said land covered by said road, and the space of one hundred feet on both sides of said road as aforesaid: *Provided*, That nothing herein contained shall be held to discharge or impair any existing lien upon any property now in the possession of the Charleston and Savannah Railroad Company.

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Value of the  
land, how  
estimated.

Proviso.

IX. That in the absence of any written contract between the said company and the owner or owners of land through which the said railroad may be constructed, in relation to said land, it shall be presumed that the land upon which the railroad may be constructed, together with one hundred feet on each side of the centre of said road, has been granted to the said company by the owner or owners thereof; and the said company shall have good right and title to the same, and shall have, hold and enjoy the same, unto them and their successors, so long as the same may be used only for the purposes of the said road, and no longer, unless the person or persons to whom any right or title to such lands, tenements or hereditaments belong, or shall hereafter descend or come, do not prosecute the same within two years next after the construction of the parts of the said road upon the lands of the person or persons so having or acquiring such right or title as aforesaid, then he or they, and all claiming under him or them, shall be forever barred to recover the same: *Provided*, That nothing herein contained shall affect the rights of *feme covert*s, infants or persons beyond seas, until two years after the removal of their respective disabilities.

In absence of  
written con-  
tract, pre-  
sumptive title.

Proviso.

X. That the said company shall at all times have the exclusive right of conveyance or transportation of persons and merchandise over the railroad to be by them constructed, while they see fit to exercise the exclusive right; and the said company are hereby authorized to fix and determine upon such rates of charge for the transportation of persons, merchandise and produce, as to them shall seem necessary and proper to secure a reasonable and adequate return upon the capital invested. The said company may, when they see fit, let or farm out all or any part of their exclusive right of transportation of persons, merchandise and produce, with their privileges, to any individual or individuals, or other company, and for such terms as may be agreed upon, subject always to the proviso contained in this Section in relation to the rates of charge, and the said company, in the exercise of their right of conveyance and transportation of persons or property, and

Exclusive  
right of con-  
veyance and  
transportation.May farm out  
the right of  
transportation.

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Prescribe rules  
of priority, &c.

the persons so taking from the company the right of conveyance or transportation, so far as they act on the same, shall be regarded as common carriers; and the said company may use or employ any sections of their railroad, before the whole shall be completed, which may afford public accommodation for the conveyance of persons, merchandise and produce; and the said company shall have power to take at the store houses they may establish or annex to the said railroad, all goods, wares, merchandise and produce, intended for transportation or conveyance, prescribe the rules of priority, and charge such reasonable prices and compensation for storage and labor as they may by regulations establish, (which regulations they shall publish,) or as may be agreed upon with the owners.

XI. That whenever the said company shall see fit to farm out, as aforesaid, to any other person or persons, or body corporate, any part of their exclusive right of conveyance and transportation, or shall deem it expedient to open the said railroad, or any part thereof, to public use, they shall and may adopt and enforce any necessary rules and regulations, and have power to prescribe the construction and size or burthen of all carriages and vehicles, and the materials of which they shall be made, that shall be permitted to be used or passed on the said railroad, and the locomotive power that shall be used with them.

Intruders on  
said railroad.

XII. That if any person or persons shall intrude upon said railroad, or any part thereof, by any manner or use thereof, or of the rights or privileges connected therewith, without the permission or contrary to the will of the said company, he, she or they shall forfeit to the company all the vehicles, articles and animals that may be so intrusively introduced and used thereon, and the same may be seized by the company or its agents, or recovered by a suit at law; and, moreover, the person or persons so intruding shall and may be indicted as for a misdemeanor, and upon conviction be fined or imprisoned, at the discretion of the Court of Sessions, in the District in which he, she or they shall be tried and convicted; and if any person shall wilfully and maliciously destroy or in any manner hurt, damage, injure or obstruct the said railroad, or any vehicle, edifice, right or privilege granted by this Act, and constructed and employed under the authority thereof, such person so offending shall be liable to be indicted as for a misdemeanor therefor, and on conviction thereof shall be imprisoned not more than six months, and be fined not more than five hundred, nor less than twenty dollars, and shall be further liable to pay to the said company any damages occasioned by the said injury, and all expenses of repairing the same. The one-half of all fines that may be imposed by the said Court, under this Act, shall be paid to the informer and the other half to the said company. The provisions of this Section shall be extended as well to the owners of lands through which said road may be constructed as to other persons, and no owner or other person claiming under him or her shall avoid said provisions by the plea of *liberum tenementum*, or by any other plea whatever.

Malicious tres-  
passers.Exclusive  
rights.

XIII. That the exclusive right to make, keep up and use the said railroad, and the conveyance and transportation thereupon,

shall vest and continue in the said company from the time of the corporate existence of the said company, and from the date of the purchase thereof. The stock of the said company, and the real estate that may be purchased by them, and be connected with, or subservient to their works hereby authorized, shall be exempted from taxation, and the said Savannah and Charleston Railroad Company shall be and remain incorporate, and be vested with all the estates, powers and privileges as to their own works, herein granted and secured, except that the Legislature may authorize the formation of other companies and the construction of other railroads, for the trade or intercourse contemplated therein.

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XIV. That after the Direction shall be elected, as aforesaid, it shall always be in the power of the Direction of the company, at a meeting of the Board, a majority being present, to nominate and appoint a Secretary, a Treasurer, and all other officers, agents and servants that they may deem necessary, or that may be prescribed in the by-laws of the said company, and to remove the same at pleasure, and also to require and take from all the officers, agents and servants such bond or bonds and security as the Board or the by-laws may prescribe for securing the fidelity, obedience and accountability of the said officers, agents and servants, and their punctual surrender and delivery of all moneys and property on the termination of their offices by resignation, removal, or expiration of their term.

By-laws, Secretary and Treasurer, agents and servants.

XV. That every subscriber or holder of stock in said company shall pay to the company the amount of the shares by him or her subscribed or held, at such periods as shall be prescribed and called for by the Directors; and on failure of any subscriber or stockholder to pay up any instalments so called for by the Directors, he or she shall be liable to an action for the same, or the shares upon which such default shall be made, together with any past payment thereon, shall be forfeited to the company, and be appropriated as they shall see fit. And the said company shall and may prescribe, in and by their by-laws, rules and regulations, the mode of issuing the evidence of shares of stock, and the manner, terms and conditions of assigning and transferring shares of the stock.

Holders of stock.

XVI. That the President and Directors shall be styled the Direction of the Company; and shall have power to call for all instalments, declare all dividends of profits, make all contracts and agreements in behalf of the company, and to do and perform all other lawful acts and deeds which, by the by-laws of the corporation, they may be authorized and required to do and perform, and the acts or contracts of the Direction, verified by the signatures of the President and Secretary, shall be binding on the company without seal. The Direction shall not exceed in their contracts the amount of the capital in the company; and in case they do so, the President and Directors who are present at the meeting when any such contract exceeding the capital shall be made shall be jointly and severally liable for the excess, as well to the contractor as to the company: *Provided*, That any one may discharge himself from such liability by voting against such contract, causing such vote to be recorded in the minutes of the Direction, and giving notice thereof to the next general meeting of the stockholders. The Di-

President and Directors.



A. D. 1866.

rection shall keep regular minutes of all their meetings, and of the acts there done; and they shall make a full report of the state of the company and of its affairs to a general meeting of the stockholders, at least once in every year, and oftener, if so directed by the by-laws; and they shall have power to call a general meeting of the stockholders when they may deem it expedient; and the company may provide in their by-laws for occasional meetings of the stockholders, and prescribe the mode of calling the same.

Officers and persons exempt from ordinary militia duty.

XVII. That the following officers and persons, while in the actual employment of the said company, shall be exempt from the performance of ordinary militia duty, and from service on juries, viz: The chief engineer and assistant engineer, the commissioner and superintending officer, the secretary and treasurer of the Directors, the keeper of the depository, the guards stationed on the road to protect it from injury, (not exceeding one white man to every five miles,) and such persons as may be actually employed in working the locomotive engines, and in traveling with cars for the purpose of attending to the transportation of passengers or goods on the said road, not exceeding one white engineer and his white assistant, to each engine, and one white person to each passenger car, and to every five cars for the transportation of goods.

Reservations as to other grants.

XVIII. That the powers and privileges hereinbefore granted shall not be so construed as to prevent the Legislature from making further grants of ferries, bridges and turnpike roads, within any distance of the same, whenever the convenience of the community may require such further grants.

Holders of bonds dated July 1, 1855.

XIX. In case any of the holders of any of the said bonds, bearing date the first day of January, in the year of our Lord one thousand eight hundred and fifty-eight, shall neglect or refuse, within a reasonable time, to be fixed and limited by the direction of the said company, to come in and subscribe their said bonds to the capital stock of said company, then the said company shall be liable, and may by law be required to pay to the holder or holders thereof, on demand, the sum of fifteen per centum, or fifteen cents to the dollar of the principal of said bonds, upon their being delivered to the said company, or the holders of said bonds may retain them with all the lawful remedies they may be entitled to. The intent and purpose being to give to the holders of said bonds the choice either to become members of the company hereby created, or receive for their said bonds the market value thereof at the day of sale of the said road, or to retain them with all such remedies as they by law may be entitled to.

Privileges of.

Liability of company to pay certain bonds.

XX. The company hereby formed shall assume and be held liable for the payment of the six per cent. interest-bearing bonds whereon the guaranty of the State has been endorsed, and the lien of the State is in every respect preserved and hereby reaffirmed.

XXI. That this Act shall be deemed a public Act.

In the Senate House, the twenty-first day of December, in the year of our Lord one thousand eight hundred and sixty-six.

W. D. PORTER, President of the Senate.

C. H. SIMONTON, Speaker House of Representatives.

Approved December 21, 1866: JAMES L. ORR, Governor.

## AN ACT TO INCORPORATE THE VILLAGE OF BENNETTSVILLE.

A. D. 1866.

No. 4811.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That from and after the passing of this Act, all the free white men having resided six months in the village of Bennettsville shall be deemed, and are hereby declared to be, a body politic and corporate, and the said village shall be called and known by the name of Bennettsville, and its corporate limits shall extend on the Crooked Creek side to high-water mark on the village side of said creek, and one-half mile in each and every other direction from the Court House now standing in said village.

Village of Bennettsville incorporated.

Corporate limits.

II. The said village shall be governed by an Intendant and four Wardens, who shall be appointed in the first instance by the delegation of Marlborough District, and shall continue in office until the second Monday in April next, on which day, as well as on the second Monday of April in every year thereafter, an election shall be held for an Intendant and four Wardens, ten days' public notice posted on the Court House door, by the order of the Intendant, one of the Wardens, or, in case of their failure, by the Clerk of the Court of Marlborough District, having been previously given. And all free white male inhabitants of said village who shall have attained the age of twenty-one years and resided six months within the corporate limits previous to the election, shall be entitled to vote for the said Intendant and Wardens; and no person shall be eligible as Intendant or Warden unless he shall be a freeholder residing within the corporate limits of said village. The Intendant and Wardens shall continue in office one year from the day of election, and until the election and qualification of their successors.

Intendant and Wardens, how appointed, and when elected.

Qualification of voters.

Eligibility of Intendant and Wardens.

Term of office.

III. That elections for Intendant and Wardens shall be held at the times aforesaid in some convenient public place in said village, from ten o'clock A. M. until two o'clock P. M., and when the polls shall be closed the managers shall forthwith count the votes and declare the election, giving notice in writing to the persons elected. The Intendant and Wardens, for the time being, or, in case there be none, the Clerk of the Court, shall appoint three managers to conduct the elections, who, before they open the polls for said elections, shall take an oath fairly and impartially to conduct the same. And the Intendant and Wardens, before entering upon the duties of their office, shall respectively take the oath prescribed by the Constitution of this State, and also the following oath, to wit: "As Intendant (or Warden) of the village of Bennettsville, I will equally and impartially, to the best of my ability, exercise the trust reposed in me, and will use my best endeavors to preserve the peace and carry into effect, according to law, the purposes for which I have been appointed: So help me God." And if any person, upon being elected Intendant or Warden, shall refuse to act as such, he shall forfeit and pay to the Town Council of Bennettsville the sum of twenty dollars for the use of said town: *Provided*, That no person over the age of sixty years shall be compelled to serve in either of said offices; nor shall any person be compelled to serve more than one term in any three consecutive years.

Election of Intendant and Wardens.

Oath of office.

Penalty for not serving when elected.

Proviso, limiting age.

A. D. 1866.

Vacancy, how filled.

IV. That in case a vacancy should occur in the office of Intendant or any of the Wardens, by death, resignation or otherwise, an election to fill such vacancy shall be held by the appointment of the Intendant and Wardens, or some one of them, as the case may be, ten days' previous notice having been given, and in case of sickness or temporary absence of the Intendant, the Wardens forming the Council shall be empowered to elect one of the Wardens to act as Intendant during the time.

Vested with powers of Magistrates.

V. That the Intendant and Wardens, duly appointed or elected and qualified, as is herein provided, shall, during their term of service, severally and respectively be vested with all the powers of Magistrates in this State, within the limits of said village; and the Intendant, or a majority of the Wardens, shall and may, as often as may be necessary, summon the Wardens to meet in Council, any two of whom, with the Intendant, or any three Wardens, may constitute a quorum to transact business, and they shall be known by the name of the Town Council of Bennettsville; and they and their successors, hereafter to be elected, may have a common seal, which shall be affixed to all their Ordinances; may sue and be sued, plead and be impleaded in any Court of law or equity in this State; and may purchase, hold, possess and enjoy to them and their successors in perpetuity, or for any term of years, any estate, real, personal or mixed, and sell, alter or convey the same: *Provided*, The same shall not exceed at any one time the sum of twenty thousand dollars. And the said Intendant and Wardens shall have full power to make and establish all such rules, by-laws and Ordinances respecting the roads, streets, market and police of said village as shall appear to them necessary and requisite for the security, welfare and convenience of the village, or for preserving health, peace, order and good government within the same. And the Council may fix and impose fines and penalties for the violation thereof, and appropriate the same to the public uses of the said corporation: *Provided*, That no fine shall exceed fifty dollars for any one offense; and when any person shall be charged with an offense for which a fine of more than twenty dollars is ordained, the said charge shall be heard and determined in an action of debt by summary process, to be brought in the name of said Town Council, for the recovery of said fine, in a Court of law of competent jurisdiction in Marlborough District, and if the fine ordained be not more than twenty dollars, the said Council, or a quorum thereof, shall have power to hear and determine the said charge, and render judgment therein. In all cases of trials to be had before the said Town Council, as hereinbefore provided, the party charged shall be cited to trial by a service upon him of a summons under the hand of the Intendant, any one of the Wardens, or the Clerk of the Council, wherein shall be expressed with certainty the offense charged and the time and place of trial.

Limitation.

Proviso.

Fines and penalties.

Proviso limiting collection of fines.

Collection of fines.

VI. That all fines imposed by the said Town Council for any violation of the Ordinances, or any default in the performance of patrol, police or street duty, shall be collected either by *fieri facias* or by *capias ad satisfaciendum*, or both, issued under the seal of the corporation in such form as the Council may direct, and directed to the Marshal of the village, which, if not paid, may be discharged by schedule and assignment, according to the provisions of the



Prison Bounds Act, after giving ten days' notice to the said Intendant and Wardens. And the said Town Council shall have power to procure and compel the attendance of witnesses by process similar to that which, by law, Magistrates may use in the trial of small and mean causes.

A. D. 1866.

VII. The Town Council of said village shall have full and only power to grant or refuse licenses to keep taverns and billiard tables, and retail or sell spirituous liquors within said limits, which licenses, if granted, shall be granted in the same manner and upon the same conditions as they are or may hereafter be under the laws of this State, except the Town Council shall have the power to regulate the prices of license to keep taverns and billiard tables, and retail spirituous liquors: *Provided*, That no license to retail spirituous liquors shall be fixed at a less sum than is established by the laws of this State. And all the powers vested in the Commissioners of Roads or Public Buildings in this respect are hereby annulled and granted to the said Intendant and Wardens within said limits. And all moneys paid for licenses, and fines and forfeitures for retailing spirituous liquors, keeping taverns and billiard tables within said limits without license, shall be appropriated to the public uses of said corporation: *Provided*, That the Intendant and Wardens, duly elected and qualified, shall not have the power to grant any license to keep taverns or retail spirituous liquors to extend beyond the term for which they shall have been elected.

May grant licenses, &amp;c.

Proviso.

Vested with powers of Commissioners of Roads and Public Buildings.

Proviso.

VIII. That it shall be the duty of the said Town Council to keep all the roads, streets, sidewalks and ways within their corporate limits open and in good repair; and for that purpose they are hereby invested with all the powers granted to Commissioners of Roads. And they shall have power to compound with all persons (all the male inhabitants between the ages of sixteen and fifty years) liable to work the roads, streets, sidewalks and ways in said village, upon such terms as they shall by Ordinance establish; the money so received to be applied to the public use of the said corporation, and all persons refusing or failing to work the roads, streets, sidewalks and ways, or to pay such commutation as may be fixed by Ordinance, shall be liable to such fine, not exceeding twenty dollars for each quarter or three months of such refusal or failure, as the said Town Council may impose, to be collected by writ of *fieri facias* or *capias ad satisfaciendum*, as hereinbefore provided; and if, after exhausting the power of such writ, the said fine shall not be recovered, the party in default may be imprisoned by order of the Town Council in the common jail of the District, or elsewhere, as they may think best, for any time not exceeding one day for each dollar in default. And no person residing within the said limits shall be liable to work on any road or bridge without the same.

Shall keep streets and roads in order.

May compound for working.

Penalty for not working streets, &amp;c.

IX. That the said Town Council shall have power to impose a tax upon the keepers of billiard tables, tenpin alleys, upon peddlers, itinerant traders, wagoners, showmen, circuses, daguerreotypists, and all other such occupations, upon such terms and conditions, and subject to such regulations as they may by Ordinance establish. They shall have power to impose a tax, within their discretion, on all sales made by itinerant traders and auctioneers; on all drays, wagons,

May tax billiard tables, peddlers, &amp;c.

A. D. 1866.

May impose  
an annual tax.

Regulate  
power of li-  
censes.

Erect powder  
magazine.

May enforce  
collections.

Taxes, when  
to be returned  
and paid.

May close  
roads and  
streets.

May open  
roads and  
streets.

Provide,  
requiring con-  
sent of land  
owners.

carriages, carts, buggies and other vehicles which may be hired or kept for hire, and on the owner or possessor of all dogs, hogs, cattle, and horses or mules, kept within the corporate limits of said village; and upon all the goods, wares and merchandise sold. And the said Town Council shall have power to impose an annual tax, not exceeding twenty cents on every hundred dollars of the value of all real estate lying within the corporate limits of said village, the real estate of churches, charitable societies, and school associations excepted; and for that purpose they shall appoint three freeholders, resident therein, to assess the value of said real estate upon oath, and return the assessment within one month to the said Council for taxation, and to fill any vacancy occasioned by the death, resignation, refusal to serve, or removal from office of the said assessors; and any person who shall refuse to act as assessor, upon being appointed by the Council, may be fined any sum not exceeding twenty dollars. And the said Council shall have power to regulate the price of licenses upon all public shows and exhibitions in said town; to erect a powder magazine, and to compel any person holding more than twenty-five pounds of powder to store the same therein, and to make regulations for rates of charge thereof, and for keeping and delivering the same. And the said Town Council shall have power to enforce the payment of all taxes and assessments levied under the authority of this Act, against the property and persons of defaulters, to the same extent, and in the same manner as is provided by law for the collection of the general State tax, except that executions to enforce the payment of the town taxes shall be issued under the seal of the corporation, and directed to the Town Marshal, or other person especially appointed by the said Town Council to collect the same; and all property upon which a tax shall be levied and assessed is hereby declared and made liable for the payment thereof, in preference to other debts, and by the person owning such property at the time of the assessment, except debts due the State, which shall be first paid.

X. That returns shall be made, on oath, to the Clerk of the Town Council, during the month of January of each year, of the quantity and kind of all other property than real estate, subject to taxation under the provisions of this Act, by the persons who may be liable to pay taxes on the same; and the said taxes shall be paid on or before the first day of April then next ensuing; upon failure thereof, any party in default shall be subject to the penalties now provided by the law for failure to pay the general State tax. That the said Town Council shall have power, with the consent of the adjacent land owner, to close all such roads, streets and ways, within the said town, as they may deem necessary, by sale of the freehold therein, either at private or public sale, as they may adjudge best for the interest of the said town; and they shall also have power to lay out, adopt, open and keep in repair, all such new streets, roads and ways, as they may, from time to time, deem important or necessary for the improvement and convenience of said town: *Provided*, That no new street, road or way shall be opened, without first having obtained the consent of the land owner or owners thereof whose premises any such new street, road or way may pass.

XI. That the said Town Council shall have power, and are hereby authorized, to elect one or more Marshals, to fix their salaries, and prescribe their duties, who shall be duly sworn in, and invested with all the powers, and subject to all the duties and liabilities specially conferred and imposed upon them by the Town Council: *Provided*, That their jurisdiction shall be confined to the corporate limits of said town, except for the purpose of serving process or levying execution against non-residents, which they may do anywhere within the limits of Marlborough District, and to elect and have any such other officer or officers as they may from time to time deem necessary, and to fix their salaries and prescribe their duties.

A. D. 1866.  
 May elect Marshals.  
 Powers, duties and liabilities of.  
 Proviso limiting jurisdiction.

XII. That the said Town Council shall have power to establish a Guard House, and to prescribe by Ordinance, suitable rules and regulations for keeping and governing the same; and until such Guard House shall be established, they shall be authorized to use rooms in the common jail of Marlborough District, for the confinement of all persons who may be subject to be committed for the violation of any Ordinance of the town, passed in conformity to the provisions of this Act. And the said Town Council may, by Ordinance, or the said Intendant and Wardens in person, any one or more of them, authorize and require any Marshal of the town, or any Constable specially appointed for that purpose, to arrest and commit to the said Guard House or Jail of Marlboro District, as the case may be, for a term not exceeding forty-eight hours, any person or persons who, within the corporate limits of said town, may be engaged in a breach of the peace, any riotous or disorderly conduct, public drunkenness, or in any conduct grossly indecent or dangerous to the citizens of said town, or any of them. And it shall be the duty of the Town Marshal to arrest and commit all such offenders, when required so to do, who shall have the same power that Sheriffs now have to call to their assistance the *posse comitatus*, if need be, to aid in making such arrests; and upon the failure of said Marshals to perform such duty as required, they shall severally be subject to such fines and penalties as the Town Council may establish; and all persons so imprisoned shall pay the costs and expenses incident to their imprisonment, which said costs and expenses shall be collected in the same manner as is provided by this Act for the collection of fines imposed for the violation of Ordinances: *Provided*, That such imprisonment shall not exempt the party from such further imprisonment, not to exceed five days, and the payment of any fine the Council may impose, not exceeding fifty dollars, for the offense for which he may have been or may be further committed.

May establish guard house and commit to prison.

*Posse comitatus*.

Cost, how collected.

Proviso limiting fine.

XIII. That the power and duty of organizing, superintending and regulating the patrol and police within the limits of the said town, be, and the same are hereby, transferred to, vested in, and devolved upon the said Town Council, who are hereby empowered to make all such ordinances, rules and regulations, relative to the time and manner of performing patrol and police duty within the said limits, and to impose such fines and penalties for violation thereof as they may deem necessary to preserve the peace, good order and the safety of said town. That the said Town Council shall have power to compound with persons liable to patrol and police duty, receiving

May regulate patrols and police.



A. D. 1866.

May compound for patrol and police duties.

May collect taxes for exhibition of plays or shows.

Fines for retailing without license.

May abate nuisances, appoint Board of Health, &c.

Intendant and Wardens exempt from patrol and street duty.

Shall deliver to successors in office, books, &c.

Penalty for misdemeanor.

Term of charter fourteen years.

from them annually a sum of money, in their discretion, in lieu of the performance of such duty; the said money, together with all moneys collected by authority of the provisions of this Act, and the ordinances passed in conformity thereto, from whatever source said moneys may arise, to be paid into the treasury of said town for the use of the corporation.

XIV. That the said Town Council shall have power to collect the taxes from all persons representing publicly within their corporate limits, for gain or reward, any plays or shows, of what nature or kind soever, to be used for the purposes of said corporation.

XV. That all fines which shall hereafter be collected by conviction in the Courts of Sessions; or other Court within said District, for retailing without license in the corporate limits of said town, shall be paid, one half to the informer and the other half to the said Town Council, for the uses of the corporation.

XVI. That the said Town Council shall have full power and authority to abate all nuisances, and also to appoint a Board of Health for said town, and to pass all such ordinances as may be necessary to define the powers and duties of said board, and to impose fines and penalties upon the members of said board for neglect of duty or refusal to serve: *Provided*, That no fine hereby authorized to be imposed shall exceed the sum of twenty dollars.

XVII. That the Intendant and Wardens elect shall, during their term of office, be exempt from patrol and street duty. And each Town Council shall, within one month after the expiration of their term of office, make out and return to their successors, a full account of their receipts and expenditures during their term, and shall pay over all moneys in their hands belonging to the corporation, and deliver all books, records and other papers incident to their office to their successors, and on failure to do so they shall be liable to the punishment provided in the eighteenth Section of this Act.

XVIII. That for any wilful violation or neglect of duty, malpractice, abuse or oppression, the Intendant and Wardens, jointly and severally, shall be liable to indictment as for a misdemeanor in any Court of competent jurisdiction in said District, and upon conviction, to punishment by fine not exceeding one hundred dollars, besides being liable for damages to any person injured.

XIX. That this Act shall be taken and deemed a public Act, and shall continue and be of force for the term of fourteen years, and from thence until the expiration of the next session of the Legislature.

In the Senate House, the twentieth day of December, in the year of our Lord one thousand eight hundred and sixty-six.

W. D. PORTER, President of the Senate.

C. H. SIMONTON, Speaker House of Representatives.

Approved December 20th, 1866: JAMES L. ORR, Governor.

AN ACT TO RENEW AND AMEND THE CHARTER OF THE TOWN  
OF SUMTER.

A. D. 1866.

No. 4812.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That from and immediately after the passing of this Act, all and every person or persons who are constitutionally qualified to vote for members of the Legislature of this State, and who may have resided within the corporate limits of the town of Sumter for one year, are hereby declared to be members of the corporation hereby intended to be created.

Members of  
the corporation

II. That the said persons and their successors shall, from and after the passing of this Act, become a body politic and corporate, which corporation shall be known and called by the name of "The Town of Sumter," and that the corporate limits of the said town shall extend for three-fourths of a mile in every direction from the centre of the public square on which the Court House is situated.

Name and  
corporate limits  
of the town.

III. That the municipal powers of the said town shall be, and are hereby, vested in the Intendant and four Wardens, who shall be denominated "The Intendant and Wardens of the town of Sumter."

Municipal  
powers vested.

IV. That the Intendant and Wardens shall be persons who are constitutionally qualified to vote for members of the Legislature of this State, and who shall have resided within the corporate limits of the said town for at least one year immediately preceding their election, and who shall own real estate in their own right therein.

Qualification  
of Intendant  
and Wardens.

V. That the said Intendant and Wardens shall be elected on the second Monday of January of every year, at which election all such persons as have hereinbefore been declared to be members of the said corporation shall be entitled to vote.

Time of the  
election of In-  
tendant and  
Wardens, and  
who may vote.

VI. That the said Intendant and Wardens shall have authority to punish, by a fine not exceeding twenty dollars, any person who shall vote at any such election for Intendant or Wardens without being legally qualified so to vote.

Punishment  
of illegal voters

VII. The said election shall be held at some convenient place in the said town, from ten of the clock in the morning until three of the clock in the afternoon, when the polls shall be closed, and the managers shall forthwith count the votes, declare the election, and give notice of the result thereof, in writing, to the persons elected. The Intendant and Wardens, for the time being, shall give ten days' public notice of the time and place or places of holding such election, and shall appoint three members of the said corporation as managers of said election at the place where it may be held, and the said managers, before they open the polls, shall take an oath fairly and impartially to conduct the said election; and any person so appointed as manager, and refusing to serve, shall be subject to a fine not exceeding twenty dollars, to be imposed by the said Intendant and Wardens; and the said Intendant and Wardens are empowered to make all necessary ordinances, rules and regulations for the proper, fair and just management and control of said elections, and to punish offenders against the same.

Manner of the  
election of In-  
tendant and  
Wardens.

Penalty of  
Managers for  
not serving.

A. D. 1866.

Oath of Intendant and Wardens.

VIII. That the Intendant and Wardens, to be elected as above directed, shall, before they enter upon the duties of their offices, respectively, take the oath prescribed by the Constitution of this State, and also take the following oath, to wit: "As Intendant (or Warden) of the town of Sumter, I will equally and impartially, to the best of my skill and judgment, exercise and discharge the trust reposed in me, and will endeavor to carry into effect the purposes for which I have been appointed: So help me God."

Penalty of Intendant and Wardens for not serving when elected.

IX. That if any person who has been legally elected Intendant or Warden shall refuse to act, he shall forfeit and pay the sum of twenty dollars, for the use of the said town, unless said person shall have attained the age of sixty years, or shall have served a term in either of said offices within three years next preceding such election.

Quorum of Intendant and Wardens.

X. That the Intendant and any three of the said Wardens shall be a quorum for the transaction of business; and in case a vacancy should occur in the office of Intendant or any of the Wardens, by death, resignation or otherwise, an election to fill such vacancy shall be held by appointment of the Intendant and Warden or Wardens, as the case may be, which election shall be conducted in all respects, and be subject to all the regulations as hereinbefore provided for the annual elections. In case of sickness or temporary absence of the Intendant, the Wardens shall be empowered to elect one of their own number to act as Intendant for the time.

Vacancies, how filled.

Powers and duties of Intendant and Wardens.

XI. That the said Intendant and Wardens shall meet as often as they may deem it necessary for the transaction of business as often as occasion may require; and shall have and keep a common seal, which shall be affixed to all their ordinances, rules and regulations, relative to the streets, ways, public squares, markets and police of the said town, as shall appear to them requisite and necessary for the security, welfare and convenience of the said town, and for the preserving the safety, health, peace, order and good government of the inhabitants thereof. And the said Intendant and Wardens shall have authority to fix and impose fines not exceeding the sum of fifty dollars for the violation of the said ordinances, rules and regulations, which fines may be recovered in a summary manner, before the said Intendant and Wardens, as hereinafter provided for, unless the said fine shall exceed the sum of twenty dollars, when it may be recovered in an action of debt by summary process in the name of said corporation before the Court of Common Pleas for Sumter District.

Fines, how to be collected.

Clerk, Treasurer and Marshals, and duties of said officers.

XII. That the said Intendant and Wardens shall have power to elect and have a Clerk and Treasurer, and one or more Marshals for the said town, and to establish the salaries and fees, and prescribe the duties of said officers, and the said officers shall give bond, with sufficient sureties, in such amount as may be deemed proper for the faithful discharge of the duties of their respective offices. The said Marshals shall be duly sworn in, and take, in addition to the oath prescribed by law for State Constables within the corporate limits of the said town, in addition to the duties and liabilities specially conferred and imposed upon them by the said Intendant and Wardens.



XIII. That the said Intendant and Wardens shall, each of them, upon taking the oath prescribed by law for Magistrates, be invested with the power and authority of Magistrates within the corporate limits of the said town, except for the trial of small and mean causes.

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Magisterial  
power of In-  
tendant and  
Wardens.

XIV. That the said Intendant and Wardens shall have power to purchase, hold, possess and enjoy to them and their successors, in fee, or for any term of years, any estate, real, personal, or mixed, and to sell, alien and convey the same: *Provided*, The same shall not exceed, at any one time, the sum of fifty thousand dollars.

Power to hold  
estate, real,  
personal and  
mixed.

Proviso limit-  
ing amount.

XV. That it shall be the duty of said Intendant and Wardens to keep all streets and ways within their corporate limits open and in good repair, and for that purpose they are invested with all the powers granted to Commissioners of Roads. And they shall have power to compound with all persons liable to work the streets or highways in said town, upon such terms as the said Intendant and Wardens shall by ordinance establish, the money so received to be applied to the public use of the said corporation; and all persons failing to perform such duty, or pay such commutation for the same, shall be liable to such fines as the said Intendant and Wardens may impose, according to the laws regulating fines by the Boards of Commissioners of Roads for non-performance of road duty; and no person residing within the said limits shall be liable to work on any road or bridge without the said limits, or to be taxed or assessed for the same, except upon such property as may be situated without the corporate limits of said town.

Intendant  
and Wardens  
invested with  
powers of Com-  
missioners of  
Roads.

May com-  
pound for  
working streets  
&c.

XVI. That the power and duty of organizing, superintending and regulating the patrol within the limits of said town be, and the same are hereby, transferred to, vested in, and devolved upon the said Intendant and Wardens, who are hereby empowered to make all such ordinances, rules and regulations relative to the time and manner of performing patrol duty within the said limits, and to impose such fines and penalties for violation thereof, as they may deem necessary to preserve the peace, good order and safety of the inhabitants of the said town: *Provided*, That no ordinance shall diminish the quantity of patrol duty which now is or hereafter may be required by law: *And provided further*, That the said Intendant and Wardens shall have power to compound with persons liable to patrol duty by receiving from them annually a sum of money, to be established by ordinance, in lieu of the performance of such duty, the said money to be used for the purposes of said town.

Intendant  
and Wardens  
shall regulate  
patrol within  
the town.

Proviso.

XVII. That the said Intendant and Wardens shall have full and exclusive power to grant or refuse licenses, to keep taverns, to retail spirituous liquors, or to keep billiard tables within the corporate limits of said town, and to regulate the prices of the same: *Provided*, That the said licenses shall not be fixed at a lower rate than that now or hereafter to be established by law. And they shall have power to impose such restrictions and conditions upon the manner of using and exercising such licenses as they may think proper; and all moneys paid for such licenses, as well as all fines imposed by the Court of General Sessions for retailing, or for keeping billiard tables without licenses within the corporate limits of said town, shall be received by the said Intendant and Wardens for the use of the said corporation.

Power to  
grant or refuse  
licenses.

Proviso as to  
rates of.

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Power to impose annual taxes.

Limitation of.

Assessment of real estate.

Compensation of Assessors, and penalty for not acting when appointed.

Power to grant licenses to auctioneers.

Itinerant auctioneers, traders, peddlers, &c.

Ordinance of taxation to be published.

XVIII. That the said Intendant and Wardens shall have power and authority to impose the following annual taxes for the uses and purposes of the said town, that is to say: Not exceeding twenty-five cents on the value of each one hundred dollars of real estate within the corporate limits of said town, (except the real estate of churches and institutions of learning,) the value of such real estate for taxation to be ascertained and assessed as hereinafter provided for; not exceeding twenty-five cents on each one hundred dollars of the proceeds of all sales of goods, wares and merchandise in said town; not exceeding twenty-five cents upon each one hundred dollars of the incomes arising from the professions of law, medicine and dentistry, and from the business of taking daguerreotypes, ambrotypes, photographs, or other similar likenesses; not exceeding three dollars on each pleasure carriage drawn by one horse; not exceeding five dollars on each pleasure carriage drawn by two or more horses; not exceeding five dollars on each vehicle of any kind, kept for hire or profit, and drawn by one horse; not exceeding ten dollars on each vehicle of any kind, kept for hire or profit, and drawn by two horses; not exceeding twenty dollars on each vehicle of any kind, kept for hire or profit, and drawn by more than two horses; and not exceeding fifty cents upon each one hundred dollars of all sales made at auction, or upon consignment, within the corporate limits of said town, except sales made by order of Court, or by process of law, or by executors or administrators.

XIX. That the said Intendant and Wardens shall annually, within one month after entering upon the duties of their office, appoint three freeholders of said town to assess the value of the real estate therein for taxation; and said assessors shall, before making such assessment, take an oath fairly and impartially to assess the actual value of the said real estate, and they shall make their return of the said assessment to the Intendant and Wardens within one month from the time of their appointment. The said assessors shall be compensated by the said Intendant and Wardens for their services; and any person so appointed as assessor and refusing to act may be fined by the said Intendant and Wardens not exceeding twenty dollars.

XX. That the said Intendant and Wardens shall have authority to grant licenses to auctioneers, and to regulate sales at auction within said town, and to punish, by fine, any violations of such regulations.

XXI. That the said Intendant and Wardens shall have authority to impose a tax, within their discretion, upon itinerant auctioneers, traders and peddlers within said town, and upon all bowling-alleys or other places of amusement kept for profit within the limits of said town, and to appropriate the amount of all such taxes to the use of the said corporation.

XXII. That an ordinance declaring the rate of annual taxation upon property and other subjects of annual taxation for the year shall be published at least three weeks during the month of April in each year, and that all persons liable to taxation under the same shall make their return on oath, and make payment of their taxes to the Clerk and Treasurer of the said corporation during the succeeding month of May; and that upon failure to make such return

and payment, the parties so in default shall be subject to the penalties now provided by law for failure to pay the genera' State tax, the said penalty to be enforced by the said Intendant and Wardens for the use of the said town; and that all other taxes imposed by the Intendant and Wardens shall be payable in advance by the parties liable therefor, and that for non-payment of the same the party in default shall be subject to the same penalty as that hereinbefore set forth in relation to annual taxes.

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Payment of  
taxes, when to  
be made.

Penalty for  
non-payment.

XXIII. That all fines imposed by the said Intendant and Wardens for the violation of any of their ordinances, rules and regulations, or for default in the performance of street or road, or of patrol duty, or any other fine which the said Intendant and Wardens have authority to impose, shall be collected by execution of *fiery facias*, and upon that being returned *nulla bona*, by execution of *capias ad satisfaciendum*, issued under the hand of the Intendant or one of the Wardens, or of their Clerk and Treasurer, and the seal of the said corporation, and directed to either of the Marshals of the said town, or to the Sheriff of Sumter District, which executions shall have the same force and effect, and be subject to all the conditions of similar executions issuing from the Court of Common Pleas or General Sessions of this State.

Collection of  
fines.

XXIV. That in all cases of trials before the said Intendant and Wardens for the violation of any of the ordinances, rules and regulations of said corporation, or for default in the performance of street, or road, or patrol duty, the party charged shall be summoned by a written notice under the hand of the Intendant, or one of the Wardens, or of their Clerk and Treasurer, stating the offense charged, and the time and place of appearance, and such summons shall be served by one of the Marshals of said town, either by delivering a copy to the parties charged, personally, or by leaving a copy at the most notorious place of residence of said party, which service shall be made at least three days previous to said trial, unless the party charged be a non-resident of said town, in which case the summons may be served at any time previous to the trial. And the said Intendant and Wardens shall have power to compel the attendance of witnesses upon such trial, by summons in writing, to be served in the manner aforesaid, at any time previous to the said trial; and the said Intendant and Wardens shall have the same powers to punish for contempt of their proceedings, or for disobedience of their summons, that are given for this purpose to Magistrates of this State.

Trials before  
Intendant and  
Wardens.

Power to  
compel the at-  
tendance of  
witnesses.

XXV. That the said Intendant and Wardens shall have power to establish and keep a guard house and town prison, and to make all suitable rules and regulations for the proper government of the same, and any of the Marshals of the said town are authorized to arrest and to commit to the custody of the said guard house or town prison, for a term not exceeding twenty-four hours, any person or persons who may be guilty, within the corporate limits of said town, of a breach of the peace, or of public drunkenness, or of open indecency, or any other disorderly conduct injurious to the peace, safety and good order of the citizens; and the said Marshals shall, whenever necessary in the discharge of their duty, have authority to call the *posse comitatus* of the said town to their

Guard House  
and town  
prison.

Imprisonment.

*Posse comi-  
tatus.*



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assistance; and any person so arrested and imprisoned shall be liable to all the costs and expenses of said arrest and imprisonment, and be further liable to any fine which the said Intendant and Wardens may impose for their said misconduct.

Nuisances,  
power to abate.

Board of  
Health.

Penalty for  
not serving on

XXVI. That the said Intendant and Wardens shall have full power and authority to abate all nuisances within the corporate limits of said town, and also to appoint a Board of Health for said town, and to pass such ordinances as may be necessary to define the powers and duties of said Board, and to impose a fine not exceeding twenty dollars upon any person appointed upon said Board, for neglect of duty or refusal to serve.

Power to close  
streets, roads  
and ways.

To open new  
streets, &c.

Proviso re-  
quiring consent  
of owners.

XXVII. That the said Intendant and Wardens shall have power to close all such streets, roads and ways in said town as they may deem proper, by sale of the freehold therein at public or private sale, as they may judge best for the interest of the town, and to lay out, open, adopt and keep in repair all such new roads, streets or ways as they may from time to time deem important or necessary for the improvement and convenience of said town: *Provided*, That no street, road or way be closed or opened without the consent of the owner or owners of the land through which the same may pass.

Sidewalks.

XXVIII. That the said Town Council shall have power and authority to require all persons owning land in said town to make and keep in good repair, sidewalks along any public street or road adjoining said land, whenever the same may be deemed necessary, and the width and manner of construction of such sidewalk shall be designated by said Intendant and Wardens, and on default or refusal, after reasonable notice, to make and keep in repair such sidewalks, the said Intendant and Wardens may cause the same to be made or repaired, and require the costs of such making and repairing to be paid by such land owners, and the same amount, if less than twenty dollars, shall be recovered in the same manner as is prescribed for the recovery of fines in this Act; and if more than twenty dollars, the same shall be recovered by suit in the Court of Common Pleas for Sumter District.

Town to be  
divided into  
wards.

XXIX. That the Intendant and Wardens aforesaid shall proceed to lay out and divide the said town into four Wards, to be numbered from one to four respectively; and in the election of Wardens for said town, each of the said Wards shall be represented by a Warden, who shall be a resident of the said Ward.

Intendant and  
Wardens may  
issue bonds to  
amount \$20,000.

Proviso re-  
quiring a two-  
thirds vote of  
members of  
corporation.

XXX. That the said Intendant and Wardens shall have authority to issue the bonds of said town to the amount of twenty thousand dollars, payable in from five to ten years, with annual or semi-annual coupons for the payment of interest, for the purpose of supplying said town with water, of purchasing or erecting a Town Hall, or for any other purpose necessary for the improvement and well-being of said town: *Provided, however*, That the question of issuing said bonds, previous to each issue, be submitted to a vote of the corporators, and at least two-thirds of the votes cast should authorize said issue.

Intendant and  
Wardens ex-  
empt, &c.

XXXI. That the Intendant and Wardens shall, during their term of office, be exempt from street, and road and patrol duty.

XXXII. That the Intendant and Wardens shall, within one month of the expiration of their term of office, make out and publish a full account of their receipts and expenditures during their term, and shall pay and deliver to their successors all moneys, books, records, papers or property in their hands belonging to the corporation.

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Intendant and Wardens to publish account of expenditures, &c.

XXXIII. That for any wilful violation or neglect of duty, malpractice, abuse or oppressions, the said Intendant and Wardens, severally, shall be liable to indictment in the Court of General Sessions, and, upon conviction, to punishment by fine not exceeding one hundred dollars, besides being liable for damages to the party injured.

Punishment of Intendant and Wardens for malpractice, &c.

XXXIV. That all the rights, privileges, powers and authority herein vested in and granted to an Intendant and four Wardens for the town of Sumter, are hereby vested in and granted unto the present Intendant and four Wardens of the said town, and to any person who may be elected to fill a vacancy in their number until the second Monday in January next, being the end of their term of office, at which time, and at all future elections, an Intendant and four Wardens shall be elected for said town, as hereinbefore provided for, and the present Intendant and Wardens are liable to all the duties, obligations and penalties imposed by this Act; and during the remainder of their term of office the present Intendant and three Wardens shall be a quorum to transact business.

Rights, privileges, power and authority of Intendant and Wardens.

XXXV. That this Act shall be deemed and taken as a public Act, and due notice thereof shall be taken in all Courts of Justice and elsewhere in this State; that all Acts heretofore passed relative to the incorporation of the said town be, and the same are hereby, repealed, and that this Act continue of force until the same be repealed.

Acts repealed, and this Act continue in force until repealed.

In the Senate House, the twentieth day of December, in the year of our Lord one thousand eight hundred and sixty-six.

W. D. PORTER, President of the Senate.

C. H. SIMONTON, Speaker House of Representatives.

Approved December 20th, 1866: JAMES L. ORR, Governor.

AN ACT ACCEPTING THE BENEFITS OF AN ACT OF CONGRESS No. 4813.  
ENTITLED "AN ACT DONATING PUBLIC LANDS TO THE SEVERAL STATES AND TERRITORIES WHICH MAY PROVIDE COLLEGES FOR THE BENEFIT OF AGRICULTURE AND THE MECHANIC ARTS,"  
APPROVED THE SECOND DAY OF JULY, IN THE YEAR OF OUR LORD ONE THOUSAND EIGHT HUNDRED AND SIXTY-TWO.

Whereas, by an Act of Congress, approved the twenty-third day of July, in the year of our Lord one thousand eight hundred and sixty-six, entitled "An Act to amend the fifth Section of an Act entitled an Act donating Public Lands, to the several States and Territories, which may provide colleges for the benefit of agricul-

Provisions of the Act of Congress recited.

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ture and the mechanic arts," approved the second day of July, in the year of our Lord one thousand eight hundred and sixty-two, so as to extend the time within which the provisions of said Act shall be accepted, and such colleges established, it was among other things (by the Senate and House of Representatives of the United States of America, in Congress assembled,) enacted "That the time in which the several States may comply with the provisions of the said Act of July second, eighteen hundred and sixty-two, entitled 'An Act donating Public Lands to the several States and Territories, which may provide colleges for the benefit of Agriculture and the Mechanic Arts,' is extended so that the acceptance of the benefits of the said Act may be expressed within three years from the passage of the Act first above mentioned:"

Benefits of  
Act accepted.

' I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the State of South Carolina does hereby express its acceptance of the benefits of the said Act of Congress, approved on the second day of July, in the year of our Lord one thousand eight hundred and sixty-two, entitled "An Act donating Public Lands to the several States and Territories, which may provide colleges for the benefit of Agriculture and the Mechanic Arts," and does hereby assent to the provisions in said Act contained, and to the conditions on which the grant of land and land script by said Act authorized is made, and binds herself to the faithful performance of all the stipulations by her to be assumed in said Act contained.

In the Senate House, the fourteenth day of December, in the year of our Lord one thousand eight hundred and sixty-six.

W. D. PORTER, President of the Senate.

C. H. SIMONTON, Speaker House of Representatives.

Approved December 14th, 1866: JAMES L. ORR, Governor.

No. 4814. AN ACT TO VEST IN BENJAMIN F. LANDRUM, HIS HEIRS AND ASSIGNS, CERTAIN LANDS IN EDGEFIELD DISTRICT, LIABLE TO ESCHEAT.

Title vested in  
B. F. Landrum.

*Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That all the right, title and interest of the State in and to the tract of land in Edgefield District, containing five hundred and four acres, more or less, which was in possession of Bartlette W. Hatcher, at the time of his death, being the same land sold at Sheriff's sale, in the year of our Lord one thousand eight hundred and thirty-five, and purchased by Christian Breithaupt, and after his death, by order of his executor, conveyed by the Sheriff of



Edgefield District to Benjamin F. Landrum, be, and the same is hereby, vested in Benjamin F. Landrum, his heirs and assigns, forever.

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In the Senate House, the twentieth day of December, in the year of our Lord one thousand eight hundred and sixty-six.

W. D. PORTER, President of the Senate.

C. H. SIMONTON, Speaker House of Representatives.

Approved December 20th, 1866: JAMES L. ORR, Governor.

# AN ACT TO REPEAL THE USURY LAWS OF THIS STATE.

No. 4815.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That from and after the passage of this Act, in all cases of contract for the hiring, lending, or use of money, wherein, by the terms of the original contract, no specific rate of interest shall have been agreed upon, in writing, signed by the party to be charged therewith, the legal interest shall be and remain at the rate of seven per centum per annum.

Interest to be computed under contract.

II. That in all money decrees and judgments of Courts of law and equity, hereafter enrolled or entered, in all cases of accounts hereafter stated, and in all cases wherein any sum or sums of money shall hereafter be ascertained, and, being due, shall draw interest according to law, the legal interest shall be and remain at the rate of seven per centum per annum.

Legal interest.

III. That all Acts and parts of Acts limiting the rate of interest recoverable upon contracts for the hiring, lending, or use of money, be, and the same are hereby, repealed.

Acts repealed.

In the Senate House, the seventh day of December, in the year of our Lord one thousand eight hundred and sixty-six.

W. D. PORTER, President of the Senate.

C. H. SIMONTON, Speaker House of Representatives.

Approved December 8th, 1866: JAMES L. ORR, Governor.

# AN ACT TO ALTER AND AMEND AN ACT ENTITLED "AN ACT TO ALTER AND AMEND THE LAW IN RELATION TO THE METHOD OF COUNTING VOTES IN ALL ELECTIONS BY THE PEOPLE."

No. 4816.

*Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That an Act entitled "An Act to alter and amend the law in relation to the method of counting votes in all elections by the people," ratified on the twenty-eighth day of January, in the year

A. D. 1866.

Act of 1861  
amended in re-  
lation to meet-  
ing of Man-  
agers in Beau-  
fort and Berke-  
ley Districts.

of our Lord one thousand eight hundred and sixty-one, be, and the same is hereby, altered and amended so as hereafter to require the meeting of the Managers of Elections in Beaufort and Berkeley Districts to take place on the second day after the day of a District election by the people, at the hour of twelve o'clock meridian, instead of on the day next subsequent to the day of said election, on or before the hour of four o'clock P. M., as now required by said Act.

In the Senate House, the seventh day of December, in the year of our Lord one thousand eight hundred and sixty-six.

W. D. PORTER, President of the Senate.

C. H. SIMONTON, Speaker House of Representatives.

Approved December 8th, 1866: JAMES L. ORR, Governor.

No. 4817. AN ACT TO ALTER THE SITTINGS OF THE COURTS OF LAW  
WITHIN THE EASTERN CIRCUIT.

Times of hold-  
ing Courts for  
Marion, Horry,  
Georgetown,  
Williamsburg,  
Darlington.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That hereafter the Courts of Common Pleas and General Sessions for the several Districts hereafter mentioned shall be held at the times following, respectively, instead of the times now fixed by law, that is to say: For the District of Marion, on the third Mondays in March and October in each year, to sit for one week at each term, if so long be necessary; for the District of Horry, on the fourth Mondays in March and October in each year, to sit for one week at each term, if so long be necessary; for the District of Georgetown, on the first Mondays after the fourth Mondays in March and October in each year, to sit for one week at each term, if so long be necessary; for the District of Williamsburg, on the second Mondays after the fourth Mondays in March and October in each year, to sit for one week at each term, if so long be necessary; and for the District of Darlington, on the third Mondays after the fourth Mondays in March and October in each year, to sit for one week at each term, if so long be necessary.

Writs and  
process hereto-  
fore issued.

II. That all writs and processes which shall have been made returnable to the Courts of any of the said Districts, at the times heretofore provided by law, shall respectively be legal and valid, to all intents and purposes, for the Courts next to be held in the said Districts respectively, according to the provisions of this Act; and that all persons who have been summoned, or may hereafter be summoned, to attend the Courts of any of the said Districts, as jurors or witnesses, or who now are or shall hereafter be bound in recognizance to appear at any of the said Courts at the times heretofore provided by law, shall be and are hereby required to attend or appear at the Courts of the said Districts respectively next to be held according to the provisions of this Act.

Persons sum-  
moned, jurors,  
witnesses, &c.,  
to appear at  
said Courts.

III. That the District of Georgetown shall be, and the same is hereby, added to the Eastern Circuit. A. D. 1866.

In the Senate House, the fourteenth day of December, in the year of our Lord one thousand eight hundred and sixty-six.

W. D. PORTER, President of the Senate.

C. H. SIMONTON, Speaker House of Representatives.

Approved December 14th, 1866: JAMES L. ORR, Governor.

AN ACT TO AUTHORIZE AND EMPOWER THE COMMISSIONERS OF FREE SCHOOLS FOR THE PARISHES OF ST. PHILLIPS AND ST. MICHAELS TO ORGANIZE AN EVENING SCHOOL FOR APPRENTICES AND YOUTHS IN BUSINESS, AND TO COLLECT A TAX FOR THE SUPPORT OF THE SAME. No. 4818.

*Be it enacted* by the Senate and House of Representatives of the State of South Carolina, now met and sitting in General Assembly, and by the authority of the same :

I. That it shall be the duty of the Commissioners of Free Schools for the Parishes of St. Phillips and St. Michaels, and they are hereby authorized and empowered, to organize and establish an Evening Free School in the city of Charleston, for the instruction of apprentices and youths engaged in mechanical, mercantile and other useful pursuits or occupations. Commissioners authorized to establish Schools.

II. That the said Commissioners shall engage such teachers as they may deem requisite for this purpose, and arrange for such a course of instruction as shall embrace the mechanical, mercantile and technical branches of learning, and shall be authorized to procure such books, instruments, tools or implements as may be necessary for the use of said school. To employ teachers, &c.

III. That the said Commissioners shall have the complete control of the said school, and shall make such rules and regulations for the same, and for the admission of pupils and their qualifications, as they may deem proper and prescribe. Shall have full control.

IV. That the said Commissioners may levy and collect a tax of the inhabitants of said Parishes of St. Phillips and St. Michaels, for the support of the said school, in amount not to exceed fifteen per cent. of the general tax of the same. May levy a tax. Limitation of.

In the Senate House, the twentieth day of December, in the year of our Lord one thousand eight hundred and sixty-six.

W. D. PORTER, President of the Senate.

C. H. SIMONTON, Speaker House of Representatives.

Approved December 20th, 1866: JAMES L. ORR, Governor.



A. D. 1866.

No. 4819.

AN ACT TO INCORPORATE THE SUPREME COUNCIL OF SOVEREIGN GRAND INSPECTORS GENERAL OF THE THIRTY-THIRD DEGREE FOR THE SOUTHERN JURISDICTION OF THE UNITED STATES.

- I. Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That Albert Pike, William S. Rockwell, Giles M. Hillyer, A. G. Mackey, B. Rush Campbell, Benjamin B. French, Henry Buist, Henry W. Schroder, and Howell Cobb, their associates and successors, shall be, and are hereby declared to be, a body corporate and politic, by the name and style of "The Supreme Council of Sovereign Grand Inspectors General of the Thirty-third Degree for the Southern Jurisdiction of the United States," and by the said name shall be capable to sue and be sued, implead and be impleaded, answer and be answered unto in any Court of law and equity in this State; shall have a common seal, with power to change, alter, break and make new the same, shall be able and capable in law to purchase and retain real estate not exceeding in value the sum of twenty five thousand dollars, and shall have all the other rights, powers and privileges usual, incident or necessary to corporations.
- II. Be it further enacted* by the authority aforesaid, That this Act shall continue of force for fourteen years.

Incorporation.

Name of body corporate.

Power and privileges of.

Limitation.

Duration of Act.

In the Senate House, the fourteenth day of December, in the year of our Lord one thousand eight hundred and sixty-six.

W. D. PORTER, President of the Senate.

C. H. SIMONTON, Speaker House of Representatives.

Approved December 15th, 1866: JAMES L. ORR, Governor.

No. 4820. AN ACT TO PROVIDE FOR THE APPOINTMENT OF ADDITIONAL MAGISTRATES FOR THE DISTRICTS OF ORANGEBURG, COLLETON, RICHLAND, SUMTER, LEXINGTON, CLARENDON, DARLINGTON AND EDGEFIELD.

- Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the appointment of one Magistrate for each beat in Colleton and Orangeburg Districts, of three Magistrates for each Militia Beat in the Districts of Sumter and Clarendon, one additional Magistrate for the lower battalion in Richland District, and one for Beat No. One, Eastern Battalion, Thirty-ninth Regiment, Lexington District, and one Magistrate for the town of Florence, Darlington District, and of two additional Magistrates for Edgefield District, be, and is hereby, authorized, in lieu of the number now allowed by law.

Magistrates appointed for Colleton, Orangeburg, Sumter, Clarendon, Richland, Lexington, Darlington, Edgefield.

In the Senate House, the twentieth day of December, in the year of our Lord one thousand eight hundred and sixty-six.

W. D. PORTER, President of the Senate.

C. H. SIMONTON, Speaker House of Representatives.

Approved December 20th, 1866: JAMES L. ORR, Governor.

AN ACT TO ESTABLISH CERTAIN ROADS, BRIDGES AND FERRIES,  
AND TO RENEW THE CHARTERS OF CERTAIN OTHERS.

A. D. 1861.

No. 4821.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That Cox's Ferry, on the Waccamaw River, be, and the same is hereby, rechartered, and vested in Mrs. Francis P. Cox, her heirs and assigns, for the term of three years, with the present rate of ferriage.

Cox's Ferry on Waccamaw.

II. That Royal's Ferry, on the Waccamaw River, be, and the same is hereby, rechartered, and vested in William S. Todd, his heirs and assigns, for the term of seven years, with the present rates of ferriage.

Royal's Ferry on Waccamaw.

III. That Goodman Jeffries be, and he is hereby, allowed to erect gates upon the public road passing through his plantation, in Union District, subject to the restrictions by law imposed in such cases.

Goodman Jeffries may erect gates.

IV. That the public road in Anderson District, leading from Gillam Sherrer's to Centreville be, and the same is hereby, discontinued.

Public Road discontinued in Anderson District.

V. That Sims' and Hopper's Ferry, on the Saluda River, be, and the same is hereby, rechartered, and vested in George Anderson and Nancy Caldwell, their heirs and assigns, for the term of seven years, with the same privileges and rates of ferriage heretofore granted in the charter thereof.

Sims' and Hopper's Ferry.

VI. That the Beaufort or White Hall Ferry, from the town of Beaufort to Lady's Island, be rechartered for the term of seven years, and be vested in William A. Morcock, his heirs and assigns, with the same rates of toll as now allowed by law. And the said William A. Morcock is hereby authorized and empowered to establish hours for the transportation of passengers and freight across said ferry, as follows, to wit: To leave the Beaufort side at the even hours, and the White Hall side at the odd hours, during the day, from six o'clock A. M. until seven o'clock P. M.: *Provided, nevertheless*, That the said William A. Morcock shall be at liberty, and is hereby authorized to change such hours from the first of November to the first of April, in such manner as shall best promote the convenience of the traveling public.

Beaufort or White Hall Ferry.

VII. That the ferry over the Saluda River, known as Chappell's Ferry, be, and the same is hereby, re-established for the term of fourteen years, and vested in Elizabeth Chappell, her heirs and assigns, who shall be allowed the same rates of toll as heretofore established by law.

Chappell's Ferry.

VIII. That the road leaving the highway leading from Newberry Court House to O'Neill's Mills, near Springfield, the residence of Mrs. Helen O'Neill, and passing over lands of the estate of John B. O'Neill and James M. Baxter, until it intersects the highway leading from Newberry Court House to Higgins' Ferry, on Saluda River, be and the same is hereby discontinued as a public road.

Road discontinued in Newberry District.

IX. That the Columbia Bridge Company be, and are hereby, released from keeping in repair the public road leading from Columbia to Broad River Bridge, and that the said road be, and the same is hereby, placed under the jurisdiction of the Commissioners of Roads for Lexington District.

Columbia Bridge Company released.

A. D. 1866.

Ferry over  
Broad River.

X. That a ferry over Broad River, at or near the site of the Broad River Bridge, be chartered and vested in Jacob Geiger, Jacob N. Huffman and John L. Leaphart, their heirs and assigns, who shall be allowed the usual rates of toll, for the term of seven years, or until the said bridge be rebuilt: *Provided*, The same be rebuilt within that time.

Johnson's Ferry  
over Lynch's  
Creek.

XI. That the ferry over Lynch's Creek, known as Johnson's Ferry, be, and the same is hereby, rechartered and vested for seven years in James H. Johnson, his heirs and assigns, who shall be allowed the following rates of toll: For each man and horse, ten cents; for each led horse, five cents; for each foot passenger, five cents; for each wagon drawn by four horses, one dollar; for each carriage drawn by four horses, one dollar; for each carriage drawn by two horses, seventy-five cents; for each wagon drawn by one horse, twenty-five cents; for each gig or sulky, twenty-five cents; for each cart and horse, twenty-five cents; for each head of cattle, five cents; for each hog, sheep or goat, three cents; and for long or double ferriage, double the amount of the above rates.

Ferry over  
Stephen's  
Creek in Edge-  
field District.

XII. That a ferry over Stephen's Creek, in Edgefield District, be, and the same is hereby, chartered and vested for five years in the Commissioners of Roads for Edgefield District, with the right to charge the usual rates of toll: *Provided, however*, The said Commissioners of Roads shall first pay to J. F. Shanklin and D. M. Glover, for the use of their lands, necessary for this purpose, the compensation therefor to be fixed by three Commissioners, one to be named by the said Commissioners of Roads, one by the said landholders, and one by these two Commissioners.

Road discon-  
tinued in Pick-  
ens District.

XIII. That the public road in Pickens County, commencing at the fork, north of Aaron Bogg's House, crossing Twelve Mile River at or near his place, and terminating at or near J. C. Hall's, be, and the same is hereby, discontinued.

In the Senate House, the twentieth day of December, in the year of our Lord one thousand eight hundred and sixty-six.

W. D. PORTER, President of the Senate.

C. H. SIMONTON, Speaker House of Representatives.

Approved December 20th, 1866: JAMES L. ORR, Governor.

## No. 4822. AN ACT RESPECTING SURETIES ON BONDS OF PUBLIC OFFICERS.

Limit to num-  
ber of sureties.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That from and after the passage of this Act the limit to the number of sureties allowed upon official bonds shall be not more than twenty.

Aggregate of  
obligors.

II. That in approving or disapproving of the sufficiency of the sureties upon official bonds, the Commissioners to approve public securities shall have regard only to the sufficiency in the aggregate of the obligors upon such bonds.



III. That the penal sum of all official bonds, given during the late war, shall not be enforced for a larger sum than the penal sums of such bonds immediately preceding said war.

A. D. 1866.

Penal sums of bonds given during the war.

IV. That whenever the security on any official bond, executed before the passage of this Act, has become, in the judgment of the Commissioners to approve public securities, insufficient, the said Commissioners shall require, and it shall be lawful, to add approved security thereto, and to substitute the whole number of sureties on said bond, not to exceed twenty in number.

Commissioners, duty of.

V. That all Acts and parts of Acts inconsistent with the provisions of this Act be, and are hereby, repealed.

Acts repealed.

In the Senate House, the twentieth day of December, in the year of our Lord one thousand eight hundred and sixty-six.

W. D. PORTER, President of the Senate.

C. H. SIMONTON, Speaker House of Representatives.

Approved December 20th, 1866: JAMES L. ORR, Governor.

AN ACT TO RENEW THE CHARTER OF THE VIGILANT FIRE No. 4823.  
ENGINE COMPANY, OF CHARLESTON.

*Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the charter of the Vigilant Fire Engine Company, of Charleston, be, and the same is hereby, revised, renewed and extended for the term of fourteen years from the ratification of this Act, and that all acts done by the said company, since the expiration of its charter, in conformity thereto, shall be, and the same are hereby declared to be, as good and valid, to all intents and purposes, as if the same had been done before the expiration of its charter.

Charter extended fourteen years.

Acts heretofore declared valid.

In the Senate House, the fourteenth day of December, in the year of our Lord one thousand eight hundred and sixty-six.

W. D. PORTER, President of the Senate.

C. H. SIMONTON, Speaker House of Representatives.

Approved December 15, 1866: JAMES L. ORR, Governor.

AN ACT FOR THE BETTER PROTECTION OF SEAMEN AND IMMI- No. 4824.  
GRANTS IN THE PORT AND HARBOR OF CHARLESTON.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That it shall not be lawful for any person, except a pilot or public officer, to board or attempt to board a vessel arriving in the

When and by whom a vessel may be boarded.

A. D. 1836.

port or harbor of Charleston, before such vessel shall have been made fast to the wharf, without first obtaining leave from the master or person having charge of such vessel, or from her owners or agents.

Owners, agents,  
&c., prohibits.

II. It shall not be lawful for any owner, agent, master, or other person having charge of any vessel arriving or being in the port of Charleston, to permit or authorize any sailors, hotel or boarding house keeper, not licensed as hereinafter provided, or any agent, runner or employee of any sailor's or immigrant's hotel or boarding house, to board, or attempt to board, any vessel arriving in, or lying or being in the harbor or port of Charleston, before such vessel shall have been made fast to the wharf or anchored, with intent to invite, ask or solicit the boarding of any of the crew employed on such vessel.

III. It shall not be lawful for any sailor's or immigrant's hotel or boarding house keeper, or the employee of any sailor's or immigrant's hotel, or boarding house keeper, having boarded any vessel made fast to any wharf in the port of Charleston, to neglect or refuse to leave said vessel, after having been ordered so to do by the master or person having charge of such vessel.

Immigrant's  
hotel or board-  
ing house keep-  
ers to be li-  
censed.

IV. It shall not be lawful for any person to keep, conduct or carry on, either as owner, proprietor, agent or otherwise, any sailor's or immigrant's boarding house, or sailor's or immigrant's hotel in the city of Charleston, without having a license from the City Council thereof.

Such hotels  
not licensed.

V. It shall not be lawful for any person, not having the license in this Act provided, or not being the regular agent, runner or employee of a person having such license, to invite, ask or solicit in the city or harbor of Charleston, the boarding or lodging of any of the crew employed on any vessel, or of any immigrant arriving in the said city of Charleston.

City Council  
may grant li-  
cense.

VI. The City Council shall take the application of any person applying for a license to keep a sailor's or immigrant's boarding house, or sailor's or immigrant's hotel in the city of Charleston, and upon satisfactory evidence to them of the respectability and competency of such applicant, and of the suitability of his accommodations, shall issue to him a license, which shall be good for one year, unless sooner revoked by the said City Council, to keep a sailor's or immigrant's boarding house in the city of Charleston, and to invite and solicit boarders for the same.

City Council  
may revoke  
license.

VII. The City Council may, upon satisfactory evidence of the disorderly character of any sailor's or immigrant's hotel or boarding house, licensed as hereinbefore provided, or of the keeper or proprietor of any such house, or of any force, fraud, deceit or misrepresentation, in inviting or soliciting boarders or lodgers for such house, on the part of such keeper or proprietor, or of any of his agents, runners, or employees, or of any attempt to persuade or entice any of the crew to desert from any vessel in the harbor of Charleston, by such keeper or proprietor, or any of his agents, runners or employees, revoke the license for keeping such house.

Fee for license.

VIII. Every person receiving the license hereinbefore provided for shall pay to the City Council aforesaid the sum of twenty dollars.

IX. The said City Council shall furnish to each sailor's or immigrant's hotel or boarding house keeper, licensed by them as aforesaid, one or more badges or shields, on which shall be printed or engraved the name of such hotel or boarding house keeper, and the number and name of his hotel or boarding house; and which said badges or shields shall be surrendered to said City Council upon the revocation by them, or expiration of any license granted by them, as herein provided.

A. D. 1866.

City Council  
to furnish  
badges of li-  
cense.

X. Every sailor's or immigrant's hotel or boarding house keeper, and every agent, runner or employee of such hotel or boarding house keeper, when boarding any vessel in the harbor of Charleston, or when inviting or soliciting the boarding or lodging of any seaman, sailor or person employed on any vessel, or of any immigrant, shall wear, conspicuously displayed, the shield or badge referred to in the foregoing Section.

Agents shall  
wear badge.

XI. It shall not be lawful for any person, except those named in the preceding Section, to have, wear, exhibit or display any such shield or badge to any of the crew employed on any vessel, or to any immigrant so arriving in the city of Charleston, with the intent to invite, ask or solicit the boarding or lodging of such immigrant or of any of the crew employed on any vessel being in the harbor of Charleston.

No other per-  
son shall wear  
badge.

XII. Whoever shall offend against any or either of the provisions contained in Sections 1, 2, 3, 4, 5, 10 and 11 in this Act, shall be deemed guilty of a misdemeanor, and shall, upon conviction thereof, be punished by imprisonment for a term not exceeding one year, and not less than thirty days, or by a fine not exceeding two hundred and fifty dollars, and not less than one hundred dollars, or by both such fine and imprisonment.

Offenders  
guilty of misde-  
meanor, and  
punishment of.

XIII. The word "vessel," as used in this Act, shall include vessels propelled by steam.

Meaning of  
word "vessel."

In the Senate House, the twentieth day of December, in the year of our Lord one thousand eight hundred and sixty-six.

W. D. PORTER, President of the Senate.

C. H. SIMONTON, Speaker House of Representatives.

Approved December 20th, 1866: JAMES L. ORR, Governor.

AN ACT TO VEST IN NELLY PARTIN AND JACOB ETHEREDGE No. 4825.  
CERTAIN PROPERTY LIABLE TO ESCHEAT.

*Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That all the property and estate, real and personal, of Noah Etheredge, late of Newberry District, deceased, which is liable to escheat, be, and the same is hereby, vested in Nelly Partin and Jacob Etheredge, their heirs and assigns.

Title vested.

In the Senate House, the twentieth day of December, in the year of our Lord one thousand eight hundred and sixty-six.

W. D. PORTER, President of the Senate.

C. H. SIMONTON, Speaker House of Representatives.

Approved December 19th, 1866: JAMES L. ORR, Governor.



A. D. 1866.

No. 4826.

AN ACT TO PROVIDE FOR THE ADMISSION IN EVIDENCE OF  
WILLS MADE IN THE EXECUTION OF A POWER.

Will of a *feme  
covert*.

*Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the probate before the proper Ordinary of any last will and testament of a *feme covert* heretofore or hereafter made in the execution of a power, shall be good, sufficient and effectual in law, in the same manner and to the same extent as if the testatrix was a *feme sole*, and a devise or bequest under such will shall be admitted in evidence in the same manner and have the same effect in the Courts of law in this State as if no coverture existed at the time of the making thereof.

In the Senate House, the seventh day of December, in, the year of our Lord one thousand eight hundred and sixty-six.

W. D. PORTER, President of the Senate.

C. H. SIMONTON, Speaker House of Representatives.

Approved December 8th, 1866: JAMES L. ORR, Governor.

No. 4827. AN ACT TO ALTER AND AMEND THE LAW IN RELATION TO  
THE OPENING, WIDENING, CLOSING OF EXTENDING STREETS  
IN THE CITY OF CHARLESTON.

Provisions of  
Act of 1817 re-  
pealed.

City Council  
empowered to  
lay out, open,  
widen and ex-  
tend streets  
under certain  
restrictions.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That so much of the Act of the seventeenth of December, one thousand eight hundred and seventeen, in relation to the widening or opening of streets in the city of Charleston, and of all other Acts on the same subject as provides for the appointment of a Board of Commissioners by the Legislature, and requires that the design or plan for widening, opening or extending any street, lane, alley or court in the city of Charleston, should be laid before them, and approved by them, be and the same is hereby repealed; and that hereafter it shall be left to the Mayor and Aldermen of Charleston, in City Council assembled, to determine what streets, lanes, alleys or courts shall be laid out, opened, widened or extended within the limits of the city, and to carry the said improvements into execution in the manner provided by law, without the intervention of said Commissioners: *Provided, however*, That a vote of not less than two-thirds of the whole number of members constituting the City Council shall in such case be necessary to the laying out, opening, widening or extending of any street, lane, alley or court in the said city.

May close  
streets under  
same provis-  
ions.

II. That the City Council may pursue the same course to close any street, lane or alley as is provided in this Act for opening, widening or extending any street, lane or alley.

In the Senate House, the fourteenth day of December, in the year of our Lord one thousand eight hundred and sixty-six.

W. D. PORTER, President of the Senate.

C. H. SIMONTON, Speaker House of Representatives.

Approved December 15th, 1866: JAMES L. ORR, Governor.

AN ACT TO DECLARE BIG HORSE CREEK, IN EDGEFIELD DISTRICT, NOT NAVIGABLE AS A PUBLIC STREAM BEYOND A CERTAIN POINT.

A. D. 1866.

No. 4828.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That Big Horse Creek, in Edgefield District, is hereby declared to be not navigable as a public stream at any point higher up said Creek than that at which the waste water of Bath Mills returns to the old bed of said Creek.

II. That all Acts and parts of Acts inconsistent with the preceding Section be, and the same are hereby, repealed.

In the Senate House, the fourteenth day of December, in the year of our Lord one thousand eight hundred and sixty-six.

W. D. PORTER, President of the Senate.

C. H. SIMONTON, Speaker House of Representatives.

Approved December 15th, 1866: JAMES L. ORR, Governor.

AN ACT TO REGULATE THE SITTINGS OF THE COURT OF APPEALS. No. 4829.

*Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That there shall hereafter be two regular terms of the Court of Appeals in every year, one to begin on the third Monday in April, and the other on the fourth Monday in November, and each to continue until all the causes standing on the docket shall be disposed of, at which terms appeals from all the Circuit Courts throughout the State shall be heard, but the said Court shall never hear appeals from any Circuit whilst the Courts of that Circuit are in session: *Provided*, That the Court shall suspend its sittings at the November Term from some day preceding Christmas, until the second Monday in January following: *Provided*, If any of the Circuit Courts are in session during the sitting of the Court of Appeals, it shall be lawful to docket in the Appeal Court any cases of appeal from such Circuit at any time whilst the said Court of Appeals may be in session: *And provided, also*, That the said Court of Appeals may hold a session in Charleston at such time in each year as the Chief Justice may appoint, at which session the causes from Charleston, Beaufort, Georgetown, Horry, Williamsburg and Colleton may be docketed and heard by consent of the counsel engaged in such causes.

Time of the sittings of the Court of Appeals.

Proviso.

Docketing of cases.

To hold a session in Charleston, where may be heard cases from certain Districts.

In the Senate House, the nineteenth day of December, in the year of our Lord one thousand eight hundred and sixty-six.

W. D. PORTER, President of the Senate.

C. H. SIMONTON, Speaker House of Representatives.

Approved December 19th, 1866: JAMES L. ORR, Governor.

A. D. 1833. AN ACT TO INCORPORATE "THE SEA ISLAND COTTON COMPANY."

No. 4830.

Company in-  
corporated.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That Wm. Whaley, J. E. Seabrook, William E. Mikell, Augustus L. Tobias and J. Evans Edings, in behalf of themselves, and such others as now are or may hereafter be associated with them, be, and they are hereby, constituted a body corporate and politic, by the name and title of "The Sea Island Cotton Company of South Carolina," for the production of Sea Island Cotton.

Capital stock.

II. That the capital stock of said company shall consist of forty thousand shares, of twenty-five dollars each, and when the sum of two hundred thousand dollars shall have been subscribed, in the manner hereinafter provided for, the said company may be organized and this charter shall attach.

Books of sub-  
scription to be  
opened—when  
and where.

III. That for the purpose of raising the capital stock of the said company, books of subscription shall be opened on the first Monday of January next, and shall be kept open for ten days, between the hours of ten o'clock in the morning and four o'clock in the afternoon, in the cities of Charleston, New York and Boston, under the direction of Wm. Whaley, and in case the said sum of two hundred thousand dollars shall not be subscribed within that time, the said Commissioners shall be authorized to keep open the said books until said sum has been subscribed: *Provided*, The same shall be done within twelve months from the ratification of this Act: *And provided, further*, That the said Commissioners shall give at least ten days' notice of the time and place of opening said books.

Pre: is o limit-  
ing time.

How subscrip-  
tion may be  
paid.

IV. That the said Commissioners, or a majority of them, shall receive subscriptions for shares in the said company, to be paid either in money or in lands at an assessed valuation, and on each share so subscribed in money the said Commissioners shall demand and receive the sum of five dollars, and on each share so subscribed in land shall demand and receive security to the same extent, by mortgage or otherwise, as the Commissioners may deem proper, without which the subscription shall be void.

Meeting of  
subscribers.

V. That as soon as the sum of two hundred thousand dollars shall have been subscribed, in the manner hereinbefore provided for, the said Commissioners, or a majority of them, shall, by public notice, call a meeting of the subscribers, to be held in the city of Charleston, at which meeting the said subscribers shall proceed to organize the said company by the election of a President and nine Directors.

Election of  
President and  
Directors.

VI. That in the said election, and in all future elections of President and Directors, and in the making, altering and repealing by-laws, and in determining on measures involving the interests of the company at any stated or occasional corporate meeting, the votes of the stockholders shall be taken and governed by the scale and regulations following: The owner of one or two shares shall be entitled to one vote; the owner of more than two and less than five shares, two votes; the owner of more than five and less than ten shares, to four votes; the owner of more than ten and less than twenty shares, to six votes; the owner of more than twenty and less than thirty shares, to eight votes; the owner of more than thirty and less than

Scale of rates.



forty shares, to ten votes; and the owner of shares above forty shall be entitled to one vote for every ten shares above forty: *Provided*, That no individual or corporation holding stock in said company shall be entitled to more than one hundred votes. No one but a subscriber shall be capable of being a proxy; and the appointment of a proxy shall be in writing, signed by the stockholder appointing. Any person offering to vote as proxy may be required by any stockholder to swear that he has no interest, directly or indirectly, in the stock in which he offers to vote as a proxy. A trustee of stock shall not vote on shares held by him, in trust expressed or declared, where the *cestui que trust* holds other shares, either in his own name or in the name of another trustee, but the *cestui que trust* may vote on all shares owned by him, whether legally or equitably, according to the scale aforesaid.

A. D. 1866.

Proviso limiting proxies.

Trustee *cestui que trust*.

VII. That the election of a President and Directors shall be made annually, according to the by-laws to be made for the purpose; and in case any vacancy occur in the Board, between two periods of general election, a majority of the Board of Directors, at any regular or stated meeting of the Board, may elect by ballot from the stockholders a person to fill the vacancy so occurred, until the next general election of Directors. But if it happens that the day of annual election of President and Directors shall pass without election, as to all or any of them being effected, the corporation shall not be dissolved nor discontinued thereby; but it shall be lawful on any other day to hold and to make such election in such manner as may be prescribed by the by-laws of the corporation, subject to the scale and regulations of the sixth Section of this Act.

President and Directors to be elected annually.

Vacancy, how filled.

VIII. That the said company shall have power and capacity to purchase, take and hold, in fee simple, or for years, to them and their successors, any lands, tenements, or hereditaments, vessels, steam or sail, and other property of every kind and description whatsoever, which they may find necessary for the purposes of said company, and shall have power and authority to make all by-laws not repugnant to the laws of the land, to have and keep a common seal, and the same to alter at will, to sue and be sued, plead and be impleaded in any Court of law or equity in this State, and shall have and enjoy all and every right and privilege incidental and belonging to corporate bodies, according to the laws of this State.

Power to hold land and other property.

To make by-laws.

Rights and privileges.

IX. All contracts and agreements authenticated by the President and Secretary shall be binding on the company, without seal, or such other mode of authentication may be used as the company by their by-laws may adopt.

Authentication of contracts.

X. The Board of Directors shall not exceed, in any contracts which they may make in carrying out the purposes of the company, the amount of the capital of the corporation; and in case they should do so, the President and Directors who may be present at the meeting at which such contract or contracts so exceeding the amount aforesaid shall be made, shall be, jointly and severally, liable for the excess, both to the contractor or contractors and to the corporation: *Provided*, That any one may discharge himself from such liability by voting against such contract or contracts, and causing such vote to be recorded in the minutes of the Board,

Liability of Board of Directors in certain

Proviso.

A. D. 1866. and giving notice thereof to the next general meeting of the stockholders.

Transfer of stock. XI. The stock of the said company may be transferred in such manner and form as may be directed by the by-laws of the company.

Profits of company, how and when divided. XII. The profits of the company, or so much thereof as the Board of Directors may deem advisable, shall, when the affairs of the company permit, be semi-annually divided among the stockholders, in proportion to the stock each may hold.

Term of charter 21 years. XIII. This Act shall be deemed a public Act, and may be given in evidence without being specially pleaded, and shall continue of force for a term of twenty-one years.

In the Senate House, the nineteenth day of December, in the year of our Lord one thousand eight hundred and sixty-six.

W. D. PORTER, President of the Senate.

C. H. SIMONTON, Speaker House of Representatives.

Approved December 19th, 1866: JAMES L. ORR, Governor.

No. 4831. AN ACT TO AUTHORIZE THE CITY COUNCIL OF CHARLESTON TO ISSUE AND PUT IN CIRCULATION NOTES RECEIVABLE IN TAXES OR DUES TO THE CITY.

*Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the City Council of Charleston is hereby authorized to issue and put in circulation notes or certificates in the form hereinafter prescribed, of the denomination of one, two and three dollars, and such small bills as the City Council may direct, which notes or certificates, so to be issued, shall be receivable in payment of taxes and other dues to the city of Charleston for the sums therein expressed. The said notes or certificates shall be in the following form, viz: "This note shall be received in payment of taxes and other dues to the city of Charleston for \_\_\_\_\_;" and the whole amount of such notes or certificates shall not exceed the sum of three hundred thousand dollars.

City Council of Charleston may issue certain notes or certificates.

Form of notes or certificates.

Limitation of issue.

In the Senate House, the fourteenth day of December, in the year of our Lord one thousand eight hundred and sixty-six.

W. D. PORTER, President of the Senate.

C. H. SIMONTON, Speaker House of Representatives.

Approved December 17th, 1866: JAMES L. ORR, Governor.

AN ACT TO INCORPORATE THE WINYAH AND SANTEE CANAL  
COMPANY.

A. D. 1866.

No. 4832.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the formation of a corporate company is hereby authorized for the construction of a canal between Winyah Bay and Santee River, beginning on Winyah Bay at a point between Mosquito Creek and Battery White, and thence to the Santee River at or near Lucas' plantation, on Minnum and Mosquito Creek.

Formation of company.

Location of canal.

Capital stock.

II. That the stock of the company hereby authorized shall consist of one thousand shares, of fifty dollars each share; that books for subscription to the stock of said company shall be opened in Georgetown, Kingstree, Camden, St. Stephen's Depot, and Gourdin's Depot, by three Commissioners in each place, namely: in Georgetown, by Paul Tamplet, David Risley, and S. S. Fraser; in Kingstree, by E. J. Porter, J. C. Logan, and McB. Scott; in Camden, by W. M. Shannon, W. Z. Leitner, and A. D. Goodwin; in St. Stephen's Depot, by Phillip C. Kirk, J. J. Williams, and R. M. Gourdin; in Gourdin's Depot, by John W. Straggers, — Watson, and W. H. Parker; and the books shall be opened in each of these places on the same day, namely: the first Monday of February next, and be kept open at each place three days, between the hours of nine in the morning and three in the afternoon; and the time and places of subscribing shall be advertised by the said Commissioners, in the several localities for which they are respectively appointed, for at least two weeks prior to the day for opening the books. If any of the Commissioners before named shall, after the passage of this Act, decline to serve, a majority of the delegates in the General Assembly for the District in which the Commissioner so declining resides, may appoint a fit and proper person to supply his place, or may themselves proceed to open the books and receive subscriptions. Upon the books being opened, as aforesaid, individuals may subscribe for so many shares as they may see fit, paying to the said Commissioners two dollars on each share subscribed; and the Commissioners shall designate in the books, opposite to the names of the subscribers, the day of subscription, the number of shares subscribed, and the sum of money paid, respectively; and for the sums so paid the Commissioners shall give receipts to the individuals paying, and, as soon as may be, deposit the money in the People's National Bank in Charleston, subject to the joint check of a majority of the Commissioners until the said company is organized, and then subject to the check or order of said company.

When and where books of subscription shall be opened

Vacancy of Commissioners, how filled.

Duty of Commissioners.

III. That when the books shall be closed on the last day, the Commissioners at Kingstree, Camden, St. Stephen's Depot and Gourdin's Depot shall transmit to the Commissioners in Georgetown a list of the subscribers, designating, as in the subscription books, opposite to each name, the day of subscription, the number of shares subscribed, and the sum paid, with a certificate, to be signed by one or more of the Commissioners, that the money is deposited in bank, conformably to this Act; and thereupon the Commissioners in Georgetown, from all the lists of subscribers, shall make out one general list, and sum up the whole, and ascertain

List of subscribers to be furnished Commissioners in Georgetown, and duty of said Commissioners



A. D. 1866.

whether the shares subscribed are equal in amount to the capital prescribed for the company, or greater or less. If the number of shares subscribed shall exceed one thousand, then the shares shall be reduced ratably to that number, except that no subscription of five shares or less shall be reduced. If the number of shares subscribed be less than five hundred, the Commissioners at Georgetown may keep the books open at that place until the number of five hundred shares be subscribed, and two dollars paid on each share, as aforesaid: *Provided*, That said Commissioners at Georgetown shall not keep open said books of subscription for a longer period than four years after the passage of this Act.

When Act of  
incorporation  
shall attach.

IV. That the subscriptions of shares in the stock of the company to an amount equal to or exceeding five hundred, as aforesaid, being made, or in case of excess of subscriptions, upon the number being reduced to one thousand, in manner aforesaid, the said company shall be considered as formed, and this Act of incorporation shall and may attach, and become effectual, and the company may take measures for complete organization. For this purpose the

Meeting of  
stockholders.

Commissioners in Georgetown shall appoint a convenient time and place for the meeting of the stockholders, and shall cause the same to be advertised in one or more of the gazettes published in Charleston and Columbia for four weeks prior to the day of meeting, at which time and place the subscribers may attend in person or by proxy: *Provided*, The proxy be a stockholder. The Commissioners

Proxies.

at Georgetown, or a majority of them attending, shall present a ballot-box, in which the subscribers may vote for a President and six Directors, to serve for one year, and until a new election shall be made; and the presiding Commissioners, after the first election required hereby, shall count the ballots, declare the election, and make and deliver proper certificates thereof.

Election of  
President and  
Directors.

Scale of votes.

V. That in the said election, and in all future elections for President and Directors; and in the making, altering and repealing by-laws, and in determining on measures involving the general interest of the company, the votes of the stockholders shall be taken and governed by the scale and regulations following, to wit: The owner of one or two shares shall be entitled to one vote; the owner of three or four shares to two votes, and in the same proportion as far as twenty-four shares; and any stockholder who may have subscribed for any number of shares beyond twenty-four, and not more than fifty, in addition, for the excess, may be entitled to one vote for every five shares.

Election of  
President and  
Directors an-  
nual.

VI. That the election of President and Directors be made annually, according to a by-law to be made for that purpose, and in case of any vacancy occurring between the times of annual election, a majority of the Board of Directors may elect by ballot, from the stockholders, a person to fill the vacancy; but if it happen that the day of annual election of President and Directors should pass without election being made, as to any or all of them, the corporation shall not be dissolved or discontinued thereby, but it shall be lawful on any other day to hold and make such election, in such manner as shall be prescribed by the by-laws of the corporation.

Vacancy, how  
filled.

VII. That the said company, so organized as aforesaid, shall be called "The Winyah and Santee Canal Company," and have perpetual succession of members may make and have a common seal, and alter it at pleasure; may sue and be sued, answer and be answered unto, by their corporate name aforesaid, in all the Courts of Law and Equity and judicial tribunals of this State; and from time to time to make such rules, regulations and by-laws as they shall think proper for their own government: *Provided*, The same shall not be repugnant to or inconsistent with any law of this State.

VIII. That the said company shall and may cause a communication or inland navigation to be made between Winyah Bay and Santee River, by means of reservoirs, dams, canals and locks; the canal to be cut from a point between Mosquito Creek and Battery White, and thence to the Santee River, at or near Lucas' plantation, on Minnum and Mosquito Creek; and that the said company shall and may fix and establish, and be entitled to take and receive, by way of toll, for all goods and merchandise carried on and through, and boats and rafts passing on and through the said canal, such sums or rates as the said company shall think proper to impose, not exceeding at any time fifteen cents per annum on the money which they shall have expended in making and keeping in repair said canal; in order to ascertain which rates the books of said company shall always be liable to the inspection of the Legislature, and the President and Directors shall submit annually, on oath, a written statement of the expenses of keeping said canal in repair, and the rates of toll.

IX. That the said company shall have power to purchase, for themselves and their successors, such land as may be necessary for the purpose aforesaid, and when they and the owners of said lands cannot agree for the same, to take the said lands on a valuation to be made by a majority of five persons, to be appointed by the Court of Chancery or Common Pleas to value the same, which land shall, on payment of the sum at which it shall be valued, be vested in the said company; and the said company shall have power and authority to use any materials in the vicinity of said canal for opening and keeping the same in repair, paying a reasonable price therefor, which price shall be ascertained in like manner as the value of the land which the company may take as aforesaid, in case the company and the owners of the land cannot agree about the price thereof: *Provided*, That the company shall not be entitled to take more land at a valuation than what may be enclosed within two lines parallel to the axis of the proposed canal, and at a distance of sixty feet on each side of said axis.

X. That the shares in the said company may be sold, transferred assigned or bequeathed by the proprietors, respectively; and, in case of their dying intestate, shall go as personal property, according to the Statutes of Distributions.

XI. That if any person or persons shall wilfully and maliciously throw down, break, or destroy any lock, dam, bank, waste-weir, culvert, wall, or any part thereof, belonging to said canal, or throw dirt, trees, logs or other rubbish in the way, so as to prejudice the navigation and works aforesaid, such person or persons so offending shall, for every such offense, by conviction or indictment, forfeit

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Name of company.

Powers, rights and privileges of.

May connect Winyah Bay and Santee River.

Rights, &amp;c.

May purchase lands, or take at valuation certain lands, and how.

Proviso limiting.

Shares may be sold, &amp;c.

Malicious trespass.

Punishment for.

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and pay a fine not exceeding fifty dollars, and be imprisoned not exceeding three months, at the discretion of the Court before which such conviction shall take place, besides being liable to said company in a civil action for all damages done to the canal.

Term of charter 30 years.

XII. This Act shall be deemed a public Act, and continue in force for the term of thirty years.

In the Senate House, the twentieth day of December, in the year of our Lord one thousand eight hundred and sixty-six.

W. D. PORTER, President of the Senate.

C. H. SIMONTON, Speaker House of Representatives.

Approved December 20th, 1866: JAMES L. ORR, Governor.

No. 4833. AN ACT TO INCORPORATE MOUNT PISGAH BAPTIST CHURCH, IN ANDERSON DISTRICT.

Mount Pisgah Baptist Church in Anderson District, incorporated 21 years.

Powers, rights and privileges of.

*Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That Simeon Smith, Ezekiel Long, Ezekiel Murphy, Joshua J. Jamieson and James F. Wyatt, Trustees of Mount Pisgah Baptist Church, in Anderson District, and their successors in office, together with the officers and members of said Church, be, and they are hereby, created and constituted a body politic and corporate, by the name and style of "Mount Pisgah Church," and by that name shall have succession of officers and members, according to their by-laws; may sue and be sued, plead and be impleaded in any of the Courts of this State; may retain, hold and enjoy all such estate, real and personal, as they now have, or may hereafter acquire; and the same alien and convey at will, and generally have and execute all such rights, powers and privileges as are properly incident to such corporations, for the term of twenty-one years.

In the Senate House, the nineteenth day of December, in the year of our Lord one thousand eight hundred and sixty-six.

W. D. PORTER, President of the Senate.

C. H. SIMONTON, Speaker House of Representatives.

Approved December 19th, 1866: JAMES L. ORR, Governor.

No. 4834. AN ACT TO INCORPORATE THE CHARLESTON WATER COMPANY, IN THE CITY OF CHARLESTON, STATE OF SOUTH CAROLINA.

Incorporation of company.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That Theodore Stoney, W. C. Corrie, A. S. Taylor, and their associates and successors, shall be, and they are hereby, incorpo-



rated and declared a body politic and incorporate; shall have power to make, use, have and keep a common seal, and the same, at will, to alter; to make all necessary by-laws, not repugnant to the laws of the land, and to have succession of officers and members conformably to such by-laws, and to sue and be sued, implead and be impleaded in any Court of law or equity in this State, and to have, use and enjoy all other rights, and be subject to all other liabilities which are incident to other bodies incorporate.

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Rights and powers of.

Liabilities of.

II. That said company shall have full power and authority to take, hold and convey water from any point from any river, creek, springs or other sources within sixty-five miles of the city of Charleston, into and through the said city, with the consent of the City Council of Charleston first had and obtained, and shall have full power and authority to make canals, build dams, erect locks, lay conduits or tunnels for the conveyance of said water through, under or along any highway in the country adjacent, or any street or streets, lane or lanes, alley or alleys of the city of Charleston, for the purpose of conveying and distributing said water; and the canals, locks, dams, conduits or tunnels from time to time to renew or repair, and for such purpose to dig, break up, and open at their own expense all and any part of highways, streets, lanes and alleys, and of the middle or side pavements thereof, leaving at all times a sufficient passage for carriages, horses and foot passengers, and restoring forthwith to their former condition all such highways, streets, lanes and alleys, and the pavements thereof, as may at any time be taken up, opened or dug, and the said company shall have full power and authority to erect such buildings, and to hold such real and personal estate as may be requisite and proper to carry on the business aforesaid. And the said corporation shall have full power to raise, by subscription, in shares of twenty-five dollars each, a capital of five hundred thousand dollars, with the privilege of increasing the same to five million dollars, if so much be deemed proper, and the said corporation shall not go into operation, nor the rights, privileges and franchises hereby granted attach, until the sum of fifty thousand dollars shall have been actually paid in cash, and an oath or affirmation thereof shall have been made by the President, Treasurer, and a majority of the Board of Directors of said company, and recorded in the office of Secretary of State at Columbia, and shall have been published in at least two respectable newspapers in the city of Charleston. And the said corporation may, by purchase or otherwise, take and hold any land necessary for the establishment of their works, and also all private rights of way, water courses, or other easement which may be on or along the route through which such canals, locks, dams, conduits or tunnels shall pass, and may conduct such canals, locks, dams, conduits or tunnels over or through any public road, river, creek, water course, or waters, that may be on the route, but in such manner as shall not obstruct the passage of the public road or navigation of the stream. Lands or private rights of way for canals, locks, dams, conduits or tunnels, which cannot be purchased from the owner for want of agreement, or from any other cause, may be taken by the company at a valuation to be made by Commissioners appointed by the Court of Common Pleas of the District in which any part of the

Power to convey water with consent of City Council.

Capital of company, with power to increase.

Not to go into operation until conditions are complied with.

May purchase and hold lands.

May take lands at a valuation made by.

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Commissioners

Duties of said  
CommissionersEither party  
may appeal,  
and how.Work may be  
continued pen-  
ding appeal.How the land  
shall be valuedCertain prop-  
erty not to be  
taken or in-  
vaded.Construction  
of title in ab-  
sence of written  
contract.Limitation  
and Proviso.Liability of  
parties for cost.

land or right of way may be situated. The Commissioners, before acting, shall be sworn before some Magistrate, faithfully and impartially to discharge the duties assigned them. Their proceedings, accompanied with a full plat and description of the land, shall be returned under their hands and seals to the Court from which the commission issued, there to remain of record. Either party may appeal from this valuation, at the next session of the Court granting the commission, giving fifteen days' notice to the opposite party of such appeal; and the Court shall order a new valuation to be made by a jury, who shall be charged therewith in the same term, and the verdict shall be final and conclusive, unless a new trial be granted, and the land or right of way, so valued by Commissioners or jury, shall vest in the company, in fee simple, so soon as the valuation be paid, or tendered and refused. The pendency of an appeal by either party from the valuation of the Commissioners shall not prevent the company from proceeding in the construction of their works in or upon the land or right of way; but if the appeal be made by the company, it can proceed only upon giving the opposite party a bond with good security, to be approved by the Clerk of the Court, where the valuation is returned, in a penalty of double the valuation conditioned on payment of the valuation and interest in case the valuation be sustained, and for payment of the valuation made by the jury, and sustained by the Court, in case it be reversed. In all such assessments made by the Commissioners or jury, after the construction of the works or appurtenances upon the land, reference shall be had to the true value of the land at the time the construction was begun. The land covered by said works, and the space of twenty-five feet on each side, shall be deemed in actual possession of the company. A majority of the Commissioners shall be competent to perform the duties required of them in this Section. Nothing in this Act contained shall authorize the company to take or invade, without the consent of the owner, any dwelling houses, yard, garden, graveyard or ornamental trees. In the absence of any written contract between the company and the owner of the land through which the works have been constructed, it will be presumed that the land required and occupied by the company, with twenty-five feet on each side, has been granted to the company by the owner, and the company shall have good right and title to it, and shall hold it, unless the owner, or some one claiming under him, shall apply for an assessment of the value of the land as before directed, within five years after the construction of the work on or through said land, if within that time no application be made for assessment by the owner, or some one claiming under him, her or they, shall be barred forever from recovering the same or having any compensation, but this limitation shall not affect the right of *feme covert*s, infants or lunatics, until two years after the removal of their several disabilities: *Provided, nevertheless*, That should the Commissioners aforesaid, or jury, upon appeal as aforesaid, give any compensation in damages to the owner or owners of any land or private rights of way taken and occupied as aforesaid, by the Charleston Water Company, the said company shall be held liable for the costs of the proceedings; and should such owner or owners, as aforesaid, fail to recover any compensation as aforesaid,

from said company, that such owner or owners shall, in like manner, be liable for the costs of the proceedings, and either party may enforce, by execution, the collection of the costs aforesaid.

III. That the said company shall have full power and authority to establish reservoirs and fountains in such parts of the streets and squares of the said city, with the consent of the City Council of Charleston first had and obtained, or adjacent thereunto, or elsewhere, to be connected with the works, as they may think proper, and to extend to all persons whomsoever, and to all bodies politic and corporate, the privilege of using said water, to be introduced in such manner, and on such terms and conditions, and in quantities, respectively, as they may think fit, and the said waters, so to be introduced, together with all reservoirs, canals, dams, locks, conduits, tunnels, engines, buildings and machines, to be by them made and used for the purpose of introducing, raising and distributing said water, to hold to them, their successors and grantees forever, as their sole and exclusive property.

IV. That the said shares of the capital stock aforesaid of the said corporation shall be deemed personal estate, and be transferable only on the books of said corporation; and no part of the said capital shall, at any time, or under any pretense whatever, be loaned to or divided among the stockholders until the liabilities of the said corporation have been lawfully paid, nor shall any dividends be at any time declared, except of the clear earnings and profits of the said company.

V. That if the proprietor of any share shall neglect or refuse to pay instalments assessed thereon, for the space of thirty days after the time appointed for the payment thereof, the Treasurer of the company may, by order of the Board of Directors, sell, by public auction, a sufficient number of any shares held by such defaulter to pay all instalments then due by him, together with the necessary and incidental charges. And the Treasurer shall give notice of the time and place of such sale, and of the sum due on each share, by advertising the same for two successive weeks previous to such sale, in some newspaper in the city of Charleston, and a bill of sale of the shares so sold shall be made by the Treasurer of the company to the purchaser thereof, who shall thereupon be entitled to have the same transferred to him on the books of the company, and shall be liable for all future instalments of the stock he may purchase.

VI. The said Theodore Stoney, W. C. Corrie, A. S. Taylor, and their associates, may open books and take subscriptions for the capital stock of the said company, in such manner as they may deem expedient, and whenever such subscription shall amount to the sum of one hundred thousand dollars, the stockholders, having had two weeks' notice, in writing or in one of the public newspapers of the city of Charleston, may meet and elect a President, Treasurer, and Board of Directors, or such other officers as they may deem necessary for organizing the said company, and conducting the affairs thereof. And the said Board of Directors shall continue in office until their successors shall have been duly elected, and, until otherwise provided by the by-laws of the said corporation, shall have power to dispose of the residue of the capital stock of said company not subscribed for in such manner and at such time

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May establish reservoirs and fountains in the city with consent of the City Council.

Capital stock shall be deemed personal estate.

Dividends.

Instalments, not paid when assessed.

When may be sold and how.

Liability of purchasers.

Corporators may open books of subscription.

May elect officers of company.



A. D. 1866.

Scale of votes.

Duty of Directors.

as they may deem fit. And at the said election of officers, and at all meetings of the said company, every stockholder shall be entitled to one vote for every share held by him. That the Directors shall submit to the stockholders annually, a written statement, under oath or affirmation of the Treasurer of the corporation, setting forth the amount of capital stock paid in, and of the general assets of the said company.

Offenses committed punishable.

VII. That if any person or persons shall wantonly, negligently or maliciously divert the water, or any part thereof, of any ponds, streams, springs, or water sources which shall be taken by said company in pursuance of the provisions of this Act, or shall corrupt the same, or render it impure or offensive by mingling other substances with it, or by washing or swimming in it, or by erecting any privy or nuisance near it, or by any other means whatever, or shall injure or destroy any dam, lock, aqueduct, pipe, conduit, hydrant, machinery or other property held, owned or used by the said company, by the authority and for the purposes of this Act, any such person or persons shall forfeit and pay the said company treble the amount of damages sustained by such injury, to be recovered by action on the case. And any such person or persons shall moreover be deemed guilty of misdemeanor, and may, on indictment and conviction thereof, be punished by fine not exceeding five hundred dollars, and imprisonment not exceeding one year, at the discretion of the Court.

How action may be brought for trespass or injury.

VIII. That any such action or complaint by said company against any person or persons whomsoever, on account of, or grounded on a trespass or injury done to the said work, or any tunnels, locks, dams, conduits, canals, water courses, pipes, hydrants, machinery or other property of said company, or appertaining to the same, shall, in every instance, be held and deemed as transitory in its nature, and may be brought, sustained and tried in any Court of this State having jurisdiction in such like case. And nothing in this Act providing for special remedies of the said company shall be construed to deprive them of the right, or impair the same, of bringing any suit, in law or equity, to which they would otherwise be entitled.

City Council of Charleston may purchase the Water Works.

Terms of purchase.

IX. If the City Council of Charleston shall, at any time within twenty years after the water works shall go into operation, desire to purchase the same, they shall have the right to do so upon the following terms: That is, upon providing for the payment to the company, within such time as may be agreed on between the parties, of the amount actually paid in and expended, and such additional sum as will, when added to the actual receipts of the said company, over and above the actual annual expenditures, make up the sum of ten per cent., annually, upon the capital stock paid in, and, further, a premium, graduated at the following rates, namely: If within five years, a premium of twenty-five per cent. upon the amount of capital stock, as aforesaid, paid in and expended by said company; if after five years, and within six years, nineteen per cent; if after six years, and within seven years, eighteen per cent; thus reducing the amount of premium to be paid by the said City Council of Charleston one per cent. for every year beyond five years, that the said water works shall remain in pos-

session of the said Water Works Company, so that, if not taken within the twentieth year, the premium to be paid shall be five per cent.

X. That nothing in the foregoing Act shall, in any way, interfere with the privileges accorded to the Edisto and Ashley Canal Company.

XI. That this Act shall continue in force for twenty-one years, and no part of the capital stock, nor any of the funds of the corporation shall, at any time during the continuance of this charter, be used directly or indirectly, in banking operations, or for any other purposes whatever, inconsistent with this. That this charter, and everything contained therein, shall cease and determine, unless the company shall have been duly organized, and shall have actually commenced the work within one year from this date.

A. D. 1866.

Not to interfere with Edisto and Ashley Canal Company

Charter to continue for twenty-one years.

Banking, &c., prohibited.

In the Senate House, the fourteenth day of December, in the year of our Lord one thousand eight hundred and sixty-six.

W. D. PORTER, President of the Senate.

C. H. SIMONTON, Speaker House of Representatives.

Approved December 15th, 1866: JAMES L. ORR, Governor.

## AN ACT TO INCORPORATE THE SOUTH CAROLINA LOAN AND TRUST COMPANY. No. 4835.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That George S. Cameron, J. M. Blakely, Archibald S. Johnston, J. K. Robinson, L. D. Mowry, J. C. Farrar, and such other persons as may hereafter be associated with them, and their successors and assigns, are hereby constituted a body corporate, under the name of the South Carolina Loan and Trust Company, and by that name shall have succession, and may sue or be sued in any Court whatever, with such powers and privileges as are hereinafter provided.

South Carolina Loan and Trust Company incorporated.

Powers and privileges of.

II. *Be it further enacted*, That the capital stock of said company shall not exceed five millions of dollars, divided into shares of one hundred dollars each; but when two hundred thousand dollars thereof shall have been actually subscribed, and one hundred thousand dollars paid in, in cash, the said company may organize and proceed to business under this Act.

Capital Stock.

When Company may organize.

III. *Be it further enacted*, That the said company shall have power to make advances to planters for the purpose of developing the agricultural interests of the State, upon loans, mortgages, or part interest in the crops to be raised, to receive deposits of money and other valuables, and issue receipts for the same; to buy and sell bonds, bills of exchange and promissory notes, and advance and loan moneys, securities and credits, and may charge and receive,

May make advances to Planters on certain terms for certain purposes.

May charge commissions in addition to interest.

A. D. 1866.

Rate of interest of.

May take mortgages, etc.

May purchase, sell, exchange land, &amp;c.

May deal with other persons.

May receive moneys in trust or deposit.

Board of Directors.

By-laws.

Corporators may open books for subscription to capital stock.

How and when Directors shall be elected, and term of office.

in addition to interest, such a commission on advances of money and negotiating loans as may be agreed upon between said company and the party or parties buying or selling such bonds, bills of exchange and promissory notes, or borrowing or receiving such moneys, securities or credits, and such commissions or interest may be made payable in money or in a share of the products or profits of the property given or pledged as security for such loan and advances, or partly in money and partly in a share of such products or profits, without creating any partnership or joint liability between said company and said party or parties: *Provided, however,* That the rate of interest on the loans to be made shall not exceed the rate of interest allowed by the laws of this State; and the said company shall have power to take and hold as security for, or in payment of, any loans or advances made, mortgages, or other instruments, or obligations upon or affecting real, personal or mixed property, and may cancel or assign the same; and said company shall have power to purchase, hold, sell, exchange and convey lands, or other property of any nature, and may execute and issue all such receipts, certificates, contracts, or other instruments, as may be necessary for the transaction of its business. Said company may, at their discretion, guarantee the payment of the principal or interest, or both, on any notes, bonds, bills of exchange, or other evidence of debt of individuals or bodies corporate, and receive such compensation therefor as may be agreed upon between the parties.

IV. *Be it further enacted,* That the said company shall have power to receive moneys in trust or on deposit, and to invest or accumulate the same at such rate of interest as may be agreed on, or to allow such interest thereon as may be agreed on; shall have power to accept and execute all such trusts of every description as may be committed to them by any person or persons whomsoever, or any corporation, or may be committed or transferred to them by order of any Court; and shall have power to take and accept by grant, assignment, transfer, devise or bequest, and hold any real or personal estate on trust created in accordance with the laws of this State, and execute such legal trusts in regard to the same on such terms as may be declared established or agreed upon in regard thereto.

V. *Be it further enacted,* That the business and corporate powers of said company shall be exercised by a Board of not less than five Directors, to be chosen as hereinafter provided, who shall elect from their number a President, and may declare by by-laws what number of Directors shall be a quorum for the transaction of business.

VI. *Be it further enacted,* That George S. Cameron, J. M. Blakely, Archibald S. Johnston, J. K. Robinson, L. D. Mowry, J. C. Farrar, named in the first Section of this Act, or any two or more of them, shall be, and they are hereby, appointed Commissioners to open books for subscription to the capital stock of said company, at such times and places, and for such amounts as they or a majority of them shall deem proper, but for no less amount of subscription than two hundred thousand dollars, as hereinbefore provided. The Directors of said company shall be elected by a majority in interest of the stockholders of said company, voting at



an election to be held under the inspection of said Commissioners, at such place as they may designate within twenty days from the closing of the subscription called for by them; and on the first Monday in February in every year thereafter; and if there should be no election of Directors at any annual meeting, as hereinbefore directed, the Directors then in office shall continue until the next election in which the majority of the stock shall be represented.

A. D. 1866.

VII. *Be it further enacted*, That the principal office of this company shall be located in the city of Charleston; that the Board of Directors shall have power to establish agencies for the transaction of the business of said company at any place they may think proper, and to appoint all such agents, officers or employees as may be considered necessary, and may delegate power to transact any of its business to Committees of Directors, or to its officers or agents, as it shall deem proper; and said Board of Directors may, by a majority of their whole number, make such by-laws, not inconsistent with the Constitution and laws of this State, as may be deemed necessary for the management of the property, the government of the officers, and the regulation and conduct of the affairs of said company; and may adopt a corporate seal, and change the same at pleasure.

Location of principal office.

May establish agencies.

May make by-laws, &amp;c.

VIII. *Be it further enacted*, That the minutes of the proceedings of the Board of Directors shall be kept, and the same shall be entered in a book to be provided for that purpose, and signed by the President or acting Chairman or Secretary. Stockholders shall be entitled to certificates of their respective shares of capital stock, which shall be transferable as provided in such certificates; and the Board of Directors shall cause suitable books for the registry and transfer of such shares to be kept, and every such transfer, to be valid, shall be made in such books and signed by the shareholder or his or her attorney, duly authorized in writing; and the Board of Directors may close the transfer books from time to time, as the convenience of the company may require.

Minute book shall be kept.

Certificates.

Transfer of stock.

IX. *Be it further enacted*, That the Board of Directors, out of the funds of said company, shall defray its expenses and pay its debts, and may declare and pay out of the surplus nett profits of its business to its shareholders, or their duly authorized attorneys, such dividends as they shall deem expedient.

Shall pay debts.

May declare dividends.

X. *Be it further enacted*, That the capital stock of said company may, at any time, be increased to any amount not exceeding in the aggregate five millions of dollars, by the addition of new shares of one hundred dollars each, duly subscribed for and paid in, in such manner and upon such terms as the Board of Directors shall prescribe: *Provided*, That such increase shall have been first authorized by the votes of two-thirds of all the Directors of said company.

Capital stock may be increased.

Provido.

XI. *Be it further enacted*, That the company incorporated by this Act is authorized and empowered to consolidate with any other company or association incorporated by legislative enactment, in any one or more of the States of the United States, with the same powers and restrictions contained in this Act, or any Act similar, so as to form one company or association under one organization and management.

May consolidate with other companies.

A. D. 1866.

Continue in  
force for twenty-one years.

XII. *Be it further enacted*, That this Act shall take effect immediately upon its passage, and shall continue in force for twenty-one years.

In the Senate House, the twentieth day of December, in the year of our Lord one thousand eight hundred and sixty-six.

W. D. PORTER, President of the Senate.

C. H. SIMONTON, Speaker House of Representatives.

Approved December 20th, 1866: JAMES L. ORR, Governor.

# NO. 4836. AN ACT TO CHARTER THE COLUMBIA AND SUMTER RAILROAD COMPANY.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That for the purpose of establishing a communication by railroad between some point on the Wilmington and Manchester Railroad, between the Great Pee Dee River and the town of Sumter and the city of Columbia, or some point near that place, the formation of a corporate company is hereby authorized, to be called "The Columbia and Sumter Railroad Company," which company, when formed, in compliance with the conditions herein prescribed, shall have corporate existence as a body politic in perpetuity.

Formation of  
company authorized.

Name of company.

Location of road.

Commissioners to receive subscriptions.

Capital stock.

Duty and power of Commissioners.

II. That the said company be, and is hereby, authorized to construct a railroad from some point on the Wilmington and Manchester Railroad, between the Great Pee Dee River and the town of Sumter, and the city of Columbia, or some point near that place.

III. That for the purpose of raising the capital stock of said company it shall be lawful to open books in the city of Columbia, under the direction of E. J. Scott, John Meighan, and C. H. Baldwin; in the town of Sumter, under the direction of John T. Green, F. J. Moses, Jr., and J. S. Richardson, Jr.; at Florence, under the direction of E. W. Charles, J. Eli Gregg and D. C. Milling; at Marion Court House, under the direction of W. W. Harlee, Wm. Evans and Wm. S. Mullins, and at any other place or places in South Carolina, and under the direction of Commissioners to be named and designated by a majority of the above named Commissioners, for the purpose of receiving subscriptions to an amount not exceeding three millions of dollars, in shares of fifty dollars each, to constitute a joint capital stock, for the purpose of constructing and carrying into operation the railroad above mentioned and designated; that the times and places for receiving subscriptions shall be fixed by a majority of the Commissioners at Marion Court House, and shall be advertised for thirty days in a newspaper or newspapers in this State; and the books for receiving subscriptions shall be kept open for sixty days at each of the places where they shall be opened; that on each share of the stock subscribed for the subscriber shall pay to the Commissioners, who shall take the same, the sum of three dollars in specie or National Bank notes, the said

Commissioners giving receipt or certificate for the same, and at the expiration of the time hereby prescribed for keeping open the books the said Commissioners shall deposit the sums received by them on the said cash instalment in some National Bank in this State.

A. D. 1866.

IV. That whenever the sum of one hundred and fifty thousand dollars of said capital stock shall be subscribed for in manner aforesaid, the subscribers, their executors, administrators, or assigns, shall be, and they are hereby declared to be, incorporated into a company, by the name and style of the Columbia and Sumter Railroad Company, and shall have all the rights, powers and privileges conferred upon the Wilmington and Manchester Railroad Company by an Act entitled an Act to charter the Wilmington and Manchester Railroad Company, ratified on the eighteenth day of December, in the year of our Lord one thousand eight hundred and forty-six: *Provided*, That said company shall be liable, under the forty-first Section of an Act entitled "An Act to incorporate certain villages, societies and companies, and to renew and amend certain charters heretofore granted, and to establish the principles on which charters of incorporations will be hereafter granted," ratified on the seventeenth day of December, one thousand eight hundred and forty-one.

Company,  
when may be  
incorporated.

Rights, &c., of.

Proviso.

V. The Commissioners at Marion Court House shall have power to convene the subscribers at such time and place as they may designate, upon giving sixty days' notice thereof, by advertisement in a paper or papers of the State.

Subscribers  
may be con-  
vened, and how

In the Senate House, the twentieth day of December, in the year of our Lord one thousand eight hundred and sixty-six.

W. D. PORTER, President of the Senate.

C. H. SIMONTON, Speaker House of Representatives.

Approved December 20th, 1866 : JAMES L. ORR, Governor.

AN ACT TO AMEND AN ACT ENTITLED "AN ACT TO AMEND AN ACT ENTITLED 'AN ACT TO ESTABLISH DISTRICT COURTS.'" No. 4837.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That so much of an Act entitled "An Act to amend an Act entitled 'An Act to establish District Courts,'" ratified the twenty-first day of September, one thousand eight hundred and sixty-six, as requires the drawing and empanneling of grand juries for the District Courts, be, and the same is hereby repealed, and all persons already drawn and summoned to attend said District Court as grand jurors are hereby relieved of the duty of so attending.

Act amended.

Grand Juries  
not to be drawn

II. That no presentment of a grand jury shall be necessary in any case in the said District Courts, but it shall be the duty of the Attorney General and Solicitors, after inquiring into the facts of each case, to prepare bills of indictment, and present the same,

Presentment  
of a Grand Jury  
not necessary.

Attorney Gen-  
eral and Soli-  
citors, duty of.



A. D. 1866.

with the papers pertaining thereto, to the District Judge for his examination, who shall order the same to be docketed for trial, if, in his judgment, the prosecution thereof be advisable.

Number of jury, and drawing of same.

III. That the juries in the District Court shall consist of one jury of eight jurors at each quarterly session, and the venire therefor shall consist of a panel of sixteen; and it shall be the duty of the District Judge, at each quarterly session, to order the drawing in open Court of the jurors to constitute the panel of the venire for the succeeding term.

Separate jury box, and how juries drawn, summoned, &c.

IV. That there shall be kept a separate jury box for the District Courts, which shall be filled from time to time, and the drawing therefrom be conducted in the same manner as by law required for the Superior Courts; and in reference to the said juries of the District Courts, the manner of summoning them, the duties and liabilities of the officers of the Court and the penalties for non-attendance, and in all other respects, the jury law of the State shall apply.

Power of District Judge in drawing jurors.

V. That in drawing jurors to constitute the panel of the venire, it shall be competent for the District Judge to direct the rejection at the time of drawing of the names of persons who are known or believed to be dead, not resident in the District, over seventy years of age, or in any manner disabled from discharging the duties of a juror; and names shall be rejected for the occasion and returned to the box of persons who are known to be in the panel for the term of the Superior Court next ensuing the drawing, or who have served as jurors either in the Superior or District Courts within twelve months preceding the drawing.

Juries for term next succeeding passage of this Act.

VI. That to constitute the juries in the District Courts for the term next succeeding the passing of this Act, and for which the venire has already been issued, the District Judge shall order the drawing of sixteen from the number of those summoned and in attendance, which number, so drawn, shall constitute the panel for that term, and from them shall be drawn those who shall serve as the jury of that term; and, if in any District, such venire shall not have been already issued, the District Judge shall order a special Court for the drawing, and shall order the venire in accordance with the provisions of this Act.

Challenge of jurors.

VII. That in the District Court each party in a civil action, and the accused and the prosecuting officer in a criminal matter, shall be entitled to challenge, each, two jurors; and the places of those challenged shall be supplied from the supernumeraries. An insufficient number of jurors in any instance shall be supplied in like manner as in the Superior Court.

Traverse of indictment.

VIII. A traverse of an indictment shall not, in the District Courts, of itself, operate to continue the case.

Paragraph repealed.

IX. That the concluding paragraph of the eleventh Section, in the words, "and in the District of Beaufort, where the Court shall be held alternately at the Court House in the town of Beaufort, and at Lawtonville," be repealed.

Imparlanee.

X. In civil causes the defendant shall be entitled to an imparlanee to the succeeding quarterly term of the Court.

Concurrent jurisdiction.

XI. The Superior Court of Equity and the District Court shall have concurrent jurisdiction in all cases of equity; and the

Superior Courts of law and the District Court shall have concurrent jurisdiction of all cases in law, civil and criminal, of which, by the Constitution, the said District Courts have jurisdiction.

A. D. 1866.

XII. That in all cases now commenced in the District Courts for services where the amount due is over one hundred dollars, the case shall be transferred to the Court of Common Pleas.

Transfer of certain cases.

XIII. Matters of equity pending in the District Court shall be heard by the District Judge, at a quarterly session, or at such other time as with his concurrence the parties may fix, with an appeal as from a Chancellor on Circuit. With respect to these matters the Commissioner in Equity for the District shall regard the Judge of the District Court as he does a Chancellor with respect to matters in the Superior Court of Equity; and in both of these Courts the law, practice, fees, modes of proceeding and effect of order and process shall be as nearly as possible the same.

Matters of Equity, when shall be heard.

Appeal.

Law, practice, fees, etc.

In the Senate House, the twenty-first day of December, in the year of our Lord one thousand eight hundred and sixty-six.

W. D. PORTER, President of the Senate.

C. H. SIMONTON, Speaker House of Representatives.

Approved December 20th, 1866: JAMES L. ORR, Governor.

# AN ACT TO INCORPORATE THE CHARLESTON INDEPENDENT TURNER'S ASSOCIATION. No. 4838.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That for the purposes of education, gymnastic exercises, social improvement and mutual assistance and charity, C. F. Vogler, E. Stehle, W. Hoffneyer, W. Teflee, Theodore Koerter, A. Joff, E. Plock, and their associates and successors, be, and they are hereby, made a body politic and corporate in law, by the name and style of "The Charleston Independent Turner's Association."

Association incorporated.

Name and style of.

II. That the said Association may have a capital of twenty-five thousand dollars, and may purchase, hold, enjoy, possess and use all such real estate and other property as they may require for their purposes, and the same at their pleasure to sell again, relinquish and convey, and that they may sue and be sued in all Courts of Law and Equity in this State; may have and use a common seal, and may make such by-laws for their regulation and government as they may deem proper: *Provided*, That such regulations and by-laws are not inconsistent with the Constitution and laws of the United States and of this State.

Capital stock.

Rights, powers and privileges.

Proviso.

III. That this Act shall be deemed a public Act and continue of force for twenty-one years.

Term of Act.

In the Senate House, the fourteenth day of December, in the year of our Lord one thousand eight hundred and sixty-six.

W. D. PORTER, President of the Senate.

C. H. SIMONTON, Speaker House of Representatives.

Approved December 14th, 1866: JAMES L. ORR, Governor.

A. D. 1866.

No. 4839.

AN ACT TO RENEW AND EXTEND AN ACT ENTITLED "AN ACT TO INCORPORATE THE FURMAN UNIVERSITY," RATIFIED ON THE TWENTIETH DAY OF DECEMBER, IN THE YEAR OF OUR LORD ONE THOUSAND EIGHT HUNDRED AND FIFTY, AND TO ALTER THE STYLE OF THE CORPORATION.

Charter extended for thirty years.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the Act entitled "An Act to incorporate the Furman University," ratified on the twentieth day of December, in the year of our Lord one thousand eight hundred and fifty, be, and the same is hereby, renewed, and shall extend and continue in force for thirty years from the ratification of this Act, and until the adjournment of the next session of the General Assembly after the expiration of the time stated.

Title changed.

Name and style of.

II. The corporation established by the Act aforesaid, and renewed by this Act, shall hereafter be named and styled "Furman University," and under the name and style of Furman University shall possess and enjoy all the rights heretofore in any manner acquired by the same, and shall possess and exercise all the rights, privileges and immunities conferred by the original Act of incorporation aforesaid or by Acts amendatory thereof.

Acts of corporation declared legal and valid.

III. All acts of the said corporation, and of its authorized agents, consistent with the provisions of its charter, done and performed at any time since the expiration thereof by the limitation in the Act aforesaid, shall be held, and the same are hereby declared to be, legal and valid.

In the Senate House, the twentieth day of December, in the year of our Lord one thousand eight hundred and sixty-six.

W. D. PORTER, President of the Senate.

C. H. SIMONTON, Speaker House of Representatives.

Approved December 20th, 1866: JAMES L. ORR, Governor.

No. 4840. AN ACT TO AMEND THE CHARTER OF THE CHARLESTON GAS-LIGHT COMPANY.

Charter amended.

Price of gas extended.

*Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the charter of the Charleston Gas-Light Company be so amended as to extend the limit of the price of gas furnished consumers to six dollars in United States currency until the adjournment of the next General Assembly.

In the Senate House, the twentieth day of December, in the year of our Lord one thousand eight hundred and sixty-six.

W. D. PORTER, President of the Senate.

C. H. SIMONTON, Speaker House of Representatives.

Approved December 20th, 1866: JAMES L. ORR, Governor.



AN ACT TO EXTEND THE CHARTER OF THE CHARLESTON FIRE  
COMPANY OF AXEMEN.

A. D. 1866.

No. 4841.

*Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the charter of the Charleston Fire Company of Axemen be, and the same is hereby, extended for the term of four-

Charter ex-  
tended for  
fourteen years.

teen years from the expiration thereof.  
In the Senate House, the fourteenth day of December, in the  
year of our Lord one thousand eight hundred and sixty-six.

W. D. PORTER, President of the Senate.

C. H. SIMONTON, Speaker House of Representatives.

Approved December 14th, 1866: JAMES L. ORR, Governor.

## AN ACT TO INCORPORATE THE VILLAGE OF KINGSTREE.

No. 4842.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That from and immediately after the passing of this Act, all and every person or persons who may have resided within the limits of the village of Kingstree for one year, or who may own a freehold therein, and their successors, are hereby declared to be members of the corporation hereby intended to be created.

Incorporation  
of the village  
of Kingstree.

II. That the said persons and their successors shall, from and after the passing of this Act, become a body politic and corporate, and shall be known and called by the name of Kingstree, and its corporate limits shall extend for one mile in every direction from the Court House thereof, as a centre, except on the side next to Black River, which river shall constitute the boundary of the corporation in that direction.

Name of in-  
corporation.

Corporate lim-  
its.

III. That the said village of Kingstree shall be, and is hereby, invested with all the rights, powers, privileges and immunities, and subjected to all the duties, liabilities and restrictions given and granted to and imposed upon the corporation of the town of Anderson, by an Act entitled "An Act to renew and amend the charter of the town of Anderson," ratified on the twentieth day of December, in the year of our Lord one thousand eight hundred and fifty-six, and the charter of the town of Anderson, or so much thereof as has not become obsolete and inoperative under the present Constitution and laws of the State, shall, by changing the name, constitute and be held the charter of "Kingstree:" *Provided*, That the first election for Intendant and Wardens of Kingstree shall be held on the second Monday in January next, and the persons then elected shall continue in office until the second Monday in September next, which shall be the annual day of election thereafter.

Powers, rights,  
privileges and  
immunities of.

Election of  
officers.

IV. This Act shall be deemed a public Act, and continue in force for the term of twenty-one years from the date of its ratification.

Term of char-  
ter twenty-one  
years.

In the Senate House, the nineteenth day of December, in the  
year of our Lord one thousand eight hundred and sixty-six.

W. D. PORTER, President of the Senate.

C. H. SIMONTON, Speaker House of Representatives.

Approved December 19th, 1866: JAMES L. ORR, Governor.

A. D. 1866.

No. 4843.

## AN ACT TO INCORPORATE "WENTWORTH STREET LUTHERAN CHURCH."

Wentworth  
Street Lutheran  
Church, in-  
corporated.

Powers, rights  
and privileges  
of.

*Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the members of the two corporations heretofore known as "The Zion's Evangelical Lutheran Church in Charleston, and the Methodist Protestant Church, in Charleston," be, and they are hereby, declared a body politic and corporate, by the name and style of the Wentworth Street Lutheran Church, and as such shall have power to adopt such constitutions and to make such by-laws as may be necessary for the government of the same, and not repugnant to the laws of the land; and shall have such Council, Trustees, Vestry and Wardens, their successors in office, as they may select; to sue and be sued by their corporate title in any Court in this State, to have and use a corporate seal, and to have and enjoy every right, power and privilege incident to such corporation; and the said corporation is empowered to hold, retain, possess, enjoy all such property, real and personal, as the two corporations may now severally have and possess or be entitled to, or which shall hereafter be given, bequeathed or devised to or in any manner acquired, and to sell, alien, or transfer the same, or any part thereof.

In the Senate House, the fourteenth day of December, in the year of our Lord one thousand eight hundred and sixty-six.

W. D. PORTER, President of the Senate.

C. H. SIMONTON, Speaker House of Representatives.

Approved December 15th, 1866: JAMES L. ORR, Governor.

## No. 4844. AN ACT TO INCORPORATE THE CHARLESTON BOARD OF TRADE.

The Charleston  
Board of Trade  
incorporated  
for fourteen  
years.

May hold prop-  
erty not to  
exceed ten  
thousand dol-  
lars.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the officers and members of the society in the city of Charleston known as the Charleston Board of Trade, and such as hereafter may become members, are hereby declared to be a body politic and corporate, with all the rights incident thereto.

II. That the said Charleston Board of Trade shall be entitled to hold and possess property to an extent not exceeding ten thousand dollars.

III. That this Act be deemed a public Act and continue in force for fourteen years, and no longer.

In the Senate House, the nineteenth day of December, in the year of our Lord one thousand eight hundred and sixty-six.

W. D. PORTER, President of the Senate.

C. H. SIMONTON, Speaker House of Representatives.

Approved December 19th, 1866: JAMES L. ORR, Governor.

AN ACT TO RENEW THE INCORPORATION OF THE TOWN OF  
NEWBERRY.

A. D. 1866.

No. 4845.

*Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the charter of incorporation of the town of Newberry be, and the same is hereby, renewed and extended for the term of fourteen years from the day of the expiration of the present charter, with all the amendments, limitations and restrictions imposed by the several Acts of the Legislature in reference thereto.

Town of Newberry incorporated for fourteen years.

Powers, rights and privileges of.

In the Senate House, the nineteenth day of December, in the year of our Lord one thousand eight hundred and sixty-six.

W. D. PORTER, President of the Senate.

C. H. SIMONTON, Speaker House of Representatives.

Approved December 19th, 1866: JAMES L. ORR, Governor.

## AN ACT TO INCORPORATE "UNION ACADEMY."

No. 4846.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That James M. Carwile, Wesley A. Black, Christopher Ellis, James B. Kay, J. W. Brooks, John Bryan, Joseph R. Black, Samuel J. Callahan, William L. Young, and Moses L. Ashley, Trustees of "Union Academy," in Abbeville District, and their successors in office, be, and they are hereby, created and constituted a body politic and corporate, by the name and style of "Union Academy," and by the said name shall have perpetual succession of officers and members, may sue and be sued, plead and be impleaded in any of the Courts of law or equity in this State, have and use a common seal, and the same break and alter at will; may hold and enjoy all such property, real and personal, as they now have, or may hereafter in any way acquire; may make all such by-laws, not repugnant to the laws of the land, as they shall deem necessary, and generally exercise and enjoy all the rights, powers and privileges incident to such corporations.

Union Academy incorporated for twenty-one years.

Powers, rights and privileges of.

II. That this Act shall continue of force for the term of twenty-one years from the ratification of this Act.

In the Senate House, the fourteenth day of December, in the year of our Lord one thousand eight hundred and sixty-six.

W. D. PORTER, President of the Senate.

C. H. SIMONTON, Speaker House of Representatives.

Approved December 15th, 1866: JAMES L. ORR, Governor.



A. D. 1866. **AN ACT TO ALTER AND AMEND AN ACT ENTITLED "AN ACT TO AMEND THE CHARTER OF THE CALHOUN INSURANCE COMPANY OF CHARLESTON."**  
 No. 4847.

Act amended  
 extending time  
 for two years  
 for payment of  
 capital.

*Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the second Section of an Act entitled "An Act to amend the charter of the Calhoun Insurance Company of Charleston," ratified on the nineteenth day of December, in the year of our Lord one thousand eight hundred and sixty-five, be so altered and amended that the period within which the whole of the capital of the said company shall be paid in shall be two years from the date of the ratification of the said Act, in lieu and stead of one year.

In the Senate House, the seventh day of December, in the year of our Lord one thousand eight hundred and sixty-six.

W. D. PORTER, President of the Senate.

C. H. SIMONTON, Speaker House of Representatives.

Approved December 8th, 1866: JAMES L. ORR, Governor.

No. 4848. **AN ACT TO INCORPORATE THE YOUNG AMERICA FIRE ENGINE COMPANY OF CHARLESTON.**

Incorporation  
 of company.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That A. H. Pundt, Wm. T. Rujer, Wm. Mahony, A. W. Rose, M. Carey, P. W. Freary, W. H. Sibley and James E. Boyce, and their associates and successors, be, and they are hereby, constituted a body politic and corporate, by the name and style of the "Young America Fire Engine Company of Charleston," with all the rights and privileges conferred by law upon other fire companies of the city of Charleston.

Limitation of  
 members, prop-  
 erty to revert  
 to city, &c.

II. That said company shall consist of not more than forty members, and whenever reduced to the number of fifteen, all of its property, real and personal, shall revert to the city of Charleston.

Time of char-  
 ter fourteen  
 years.

III. That this Act shall be deemed a public Act, and shall continue in force for fourteen years.

In the Senate House, the seventh day of December, in the year of our Lord one thousand eight hundred and sixty-six.

W. D. PORTER, President of the Senate.

C. H. SIMONTON, Speaker House of Representatives.

Approved December 8th, 1866: JAMES L. ORR, Governor.

## AN ACT TO INCORPORATE THE "CHARLESTON COMMERCIAL COLLEGE."

A. D. 1866.

No. 4849.

*Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That William M. Pelot, Wilferd DuPont, Theo. A. Pelot, Arthur P. Lining, and their associates and successors, be, and they are hereby, created a body politic and corporate, under the name and style of the "Charleston Commercial College," and by the said name may sue and be sued, plead and be impleaded, in any of the Courts of this State; may have and use a common seal, and the same to alter at will; make all such rules, regulations and by-laws, not inconsistent with the laws of the land, as they shall deem necessary, and enjoy all the rights, privileges and immunities incident to such corporations, for the period of twenty-one years.

Charleston  
Commercial  
College incor-  
porated for 21  
years.

Rights and  
privileges of.

In the Senate House, the fourteenth day of December, in the year of our Lord one thousand eight hundred and sixty-six.

W. D. PORTER, President of the Senate.

C. H. SIMONTON, Speaker House of Representatives.

Approved December 15, 1866: JAMES L. ORR, Governor.

## AN ACT TO DECLARE VALID THE RECENT ELECTION OF INTENDANT AND WARDENS OF THE TOWN OF TIMMONSVILLE. No. 4850.

*Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the recent election for Intendant and Wardens of the town of Timmonsville be, and the same is hereby, declared as valid, to all intents and purposes, as if the same had been held at the time and under the provisions of existing laws; and all acts done by the said Intendant and Wardens, under the charter of the said town, are hereby confirmed.

Election of In-  
tendant and  
Wardens de-  
clared valid,  
and Acts de-  
clared valid.

In the Senate House, the fourteenth day of December, in the year of our Lord one thousand eight hundred and sixty-six.

W. D. PORTER, President of the Senate.

C. H. SIMONTON, Speaker House of Representatives.

Approved December 15th, 1866: JAMES L. ORR, Governor.

## AN ACT TO INCORPORATE THE BEAUFORT CLUB.

No. 4851.

*Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That J. C. Mayo, P. L. Wiggin, W. H. Fessenden, D. C. Wilson, George Gage, P. M. Whitman, A. S. Davenport, and their associates and successors, be, and they are hereby, declared a body corporate and politic, by the name and style of the "Beaufort Club," for the space of fourteen years, and that they have power, by their

Beaufort Club  
incorporated  
for fourteen  
years.

Powers and  
privileges of.

A. D. 1866.

corporate name and style, to sue and be sued, to plead and be impleaded, to have and use their own seal, and make their own by-laws, not inconsistent with the laws of the land; with power to purchase and hold real and personal estate to the amount of twenty thousand dollars.

In the Senate House, the fourteenth day of December, in the year of our Lord one thousand eight hundred and sixty-six.

W. D. PORTER, President of the Senate.

C. H. SIMONTON, Speaker House of Representatives.

Approved December 15th, 1866: JAMES L. ORR, Governor.

No. 4852. AN ACT TO RENEW AND EXTEND THE CHARTER OF THE "VILLAGE OF FROG LEVEL."

Charter extended for fourteen years. Acts declared valid.

*Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the charter heretofore granted to the "Village of Frog Level," in Newberry District, be, and the same is hereby, renewed and extended for the term of fourteen years, with all the rights, powers and privileges heretofore enjoyed, and the official transactions of the persons who have acted as Intendant and Wardens of said village, since the expiration of its charter, so far as consistent with the power granted thereby, shall be held legal and valid, to all intents and purposes.

In the Senate House, the fourteenth day of December, in the year of our Lord one thousand eight hundred and sixty-six:

W. D. PORTER, President of the Senate.

C. H. SIMONTON, Speaker House of Representatives.

Approved December 15th, 1866: JAMES L. ORR, Governor.

No. 4853. AN ACT TO ALTER AND AMEND THE CHARTER OF THE TOWN OF CAMDEN.

Power to raise six thousand dollars by taxation.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the Town Council of Camden be, and are hereby, empowered to raise annually, by taxation, a sum not exceeding six thousand dollars, exclusive of the revenue derived from the sale of licenses.

II. That in lieu of the commutation tax for road and patrol duty, heretofore levied, they have power to levy annually a capita-



tion tax upon all male residents of the said town, as follows: Between the ages of sixteen and eighteen years, and between the ages of forty-five and sixty years, five dollars each; between the ages of eighteen and forty-five years, ten dollars each; and on all such residents over sixty years of age, being owners of real estate in said town, five dollars each.

A. D. 1866.

Power to levy  
a capitation tax  
in lieu of road  
and patrol tax.

In the Senate House, the fourteenth day of December, in the year of our Lord one thousand eight hundred and sixty-six.

W. D. PORTER, President of the Senate.

C. H. SIMONTON, Speaker House of Representatives.

Approved December 14th, 1866: JAMES L. ORR, Governor.

AN ACT TO INCORPORATE THE LIBERTY SPRING PRESBYTERIAN CHURCH, OLD SCHOOL, IN LAURENS DISTRICT. No. 4854.

*Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That James Leeman, John P. Watts, Robert E. Campbell, William Phillips, Archy Adams, William Lindsay, Samuel Bryson and John B. Campbell, Trustees of "Liberty Spring Presbyterian Church, Old School," in Laurens District, together with the officers and members of said church, be, and are hereby, created and constituted a body politic and corporate, by the name and style of "Liberty Spring Presbyterian Church, Old School," and by the said name shall have succession of officers and members according to their by-laws; may sue and be sued, plead and be impleaded, in any of the Courts of Law or Equity in this State; may have and use a common seal; make by-laws not repugnant to the laws of the land; take, hold and enjoy real estate to the value of ten thousand dollars, and personalty to the value of five thousand dollars, and generally may exercise and enjoy all such rights, powers and privileges as are incident to such corporations, for the term of twenty-one years.

Liberty Spring  
Presbyterian  
Church incor-  
porated for  
twenty-one  
years.

Rights and  
privileges of.

In the Senate House, the fourteenth day of December, in the year of our Lord one thousand eight hundred and sixty-six.

W. D. PORTER, President of the Senate.

C. H. SIMONTON, Speaker House of Representatives.

Approved December 15th, 1866: JAMES L. ORR, Governor.

AN ACT TO AMEND THE CHARTER OF THE SOCIETY HILL AND MARLBORO BRIDGE COMPANY. No. 4855.

*Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the

A. D. 1866.

Charter  
amended so as  
to increase  
capital stock.

same, That the charter of the "Society Hill and Marlboro Bridge Company" be, and the same is hereby, so altered and amended as that the capital stock of said company shall be the sum of fifteen thousand dollars, instead of the sum now fixed by law, but that said company shall have the power, whenever it is deemed advisable, to increase the same to any amount not exceeding fifty thousand dollars.

In the Senate House, the nineteenth day of December, in the year of our Lord one thousand eight hundred and sixty-six.

W. D. PORTER, President of the Senate.

C. H. SIMONTON, Speaker House of Representatives.

Approved December 19th, 1866: JAMES L. ORR, Governor.

# No. 4856. AN ACT TO INCORPORATE THE MANNING CEMETERY COMPANY.

Manning  
Cemetery Com-  
pany incorpo-  
rated.

Trustees of.

Powers, rights  
and privileges  
of.

Proviso.

Term of char-  
ter 14 years.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That J. M. Felder, H. H. Huggins, W. R. Carpenter, their associates and successors, be, and they are hereby, declared a body politic and corporate, under the name and style of the "Manning Cemetery Company," and that G. A. Huggins, John J. Ingraham, R. A. Chandler, W. F. Lesesne and James McDowell, be, and they are hereby, appointed trustees thereof; that the said company shall have succession of trustees, officers and members according to its by-laws, and shall have power to make by-laws, not repugnant to the laws of the land, and to have, use and keep a common seal, and the same to alter at will, to sue and be sued in any Court in this State, and to have and enjoy every right, power and privilege incident to such corporations; and the said company is hereby empowered to hold, retain, possess and enjoy all such property, real and personal, as it may now have and possess, or be entitled to, or which shall hereafter be given, bequeathed or demised to the said corporation, or in any manner acquired by it, and to sell, alien or transfer the same or any part thereof: *Provided*, That the amount so held shall not exceed the sum of fifty thousand dollars.

II. That this Act shall be deemed a public Act, and shall continue of force for fourteen years.

In the Senate House, the nineteenth day of December, in the year of our Lord one thousand eight hundred and sixty-six.

WILLIAM D. PORTER, President of the Senate.

C. H. SIMONTON, Speaker House of Representatives.

Approved December 19th, 1866: JAMES L. ORR, Governor.

## AN ACT TO RE-ESTABLISH GIVHAM'S FERRY.

A. D. 1866.

No. 4857.

*Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the Ferry over Edisto River, known as Givham's Ferry, be, and the same is hereby, re-established for the term of fourteen years, and vested in John E. Strobel, his heirs and assigns, who shall be allowed the following rates of ferriage: For each horse, mule or other animal and rider, ten cents; for each mule, jack, or head of horned cattle led or driven, five cents; for each head of hogs, sheep, goats or other stock, three cents; for each cart, jersey wagon, buggy, gig or sulky with one horse, twenty-five cents; and ten cents for each additional horse; for each wagon, barouche, rockaway or other carriage with two horses, forty-cents, and ten cents for each additional horse; for each foot passenger (except three to each wagon of burden,) five cents; persons riding in wagons or carriages not to be charged.

Givham's Ferry re-established for fourteen years in John E. Strobel, etc.

Rates of toll.

In the Senate House, the nineteenth day of December, in the year of our Lord one thousand eight hundred and sixty-six.

W. D. PORTER, President of the Senate.

C. H. SIMONTON, Speaker House of Representatives.

Approved December 19th, 1866: JAMES L. ORR, Governor.

## AN ACT TO RENEW THE CHARTER OF THE SALAMANDER FIRE ENGINE COMPANY, OF GEORGETOWN. No. 4858.

*Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the charter of the Salamander Fire Engine Company, of Georgetown, be, and the same is hereby, revived, renewed and extended for the term of fourteen years from the ratification of this Act, and that all acts done by the said company, since the expiration of its charter, in conformity thereto, shall be, and the same are hereby declared to be, as good and valid, to all intents and purposes, as if the same had been done before the expiration of its charter.

Charter renewed for fourteen years.

Acts declared good and valid.

In the Senate House, the nineteenth day of December, in the year of our Lord one thousand eight hundred and sixty-six.

W. D. PORTER, President of the Senate.

C. H. SIMONTON, Speaker House of Representatives.

Approved December 19th, 1866: JAMES L. ORR, Governor.



A. D. 1866.

No. 4859.

## AN ACT TO RENEW THE CHARTER OF THE WINYAH FIRE ENGINE COMPANY, OF GEORGETOWN.

Charter extended for fourteen years.

Acts declared valid.

*Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the Winyah Fire Engine Company, of Georgetown, be, and the same is hereby, revived, renewed and extended for the term of fourteen years from the ratification of this Act, and that all acts done by the said company, since the expiration of its charter, in conformity thereto, shall be, and the same are hereby, declared to be as good and valid, to all intents and purposes, as if the same had been done before the expiration of its charter.

In the Senate House, the fourteenth day of December, in the year of our Lord one thousand eight hundred and sixty-six.

W. D. PORTER, President of the Senate.

C. H. SIMONTON, Speaker House of Representatives.

Approved December 15th, 1866: JAMES L. ORR, Governor.

## No. 4860. AN ACT TO AMEND THE CHARTER OF THE TOWN OF GEORGETOWN.

Power of charter amended so as to extend corporate limits.

Levy a tax.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the charter of the town of Georgetown be, and the same is hereby, amended so that the corporate limits of said town shall be extended so as to embrace all the territory which will be included by extending the northern line of Church street to the shore of Winyah Bay, thence along the shore of said Bay to the point of its intersection with Sampit Creek or River, thence along the bank of said creek or river to the point where it will be intersected by the eastern line of St. James street, thence following the course of said eastern line across said creek or river, so as to embrace all the peninsula formed by the bend of Sampit Creek or River, to the point where it would intersect the western line of Cleland street continued.

II. That the Town Council of the town of Georgetown be, and the same are hereby, authorized to levy a tax, at a rate not exceeding two per centum per annum, on the assessed value of all the real estate embraced within the corporate limits of said town as now extended by this Act.

In the Senate House, the nineteenth day of December, in the year of our Lord one thousand eight hundred and sixty-six.

W. D. PORTER, President of the Senate.

C. H. SIMONTON, Speaker House of Representatives.

Approved December 19th, 1866: JAMES L. ORR, Governor.

AN ACT TO RENEW THE CHARTER OF THE DARLINGTON PRES-  
BYTERIAN CHURCH.

A. D. 1866.

No. 4861.

*Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the charter heretofore granted to the Darlington Presbyterian Church be, and the same is hereby, renewed, and shall continue of force until altered or repealed by Act of the Legislature.

Charter re-  
newed until  
altered or re-  
pealed by the  
Legislature.

In the Senate House, the fourteenth day of December, in the year of our Lord one thousand eight hundred and sixty-six.

W. D. PORTER, President of the Senate.

C. H. SIMONTON, Speaker House of Representatives.

Approved December 15th, 1866: JAMES L. ORR, Governor.

AN ACT TO RENEW THE CHARTER OF THE PRESBYTERIAN No. 4862.  
CHURCH AT SPARTANBURG COURT HOUSE.

*Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the charter of the Presbyterian Church at Spartanburg Court House be, and the same is hereby, renewed and extended for the term of twenty-one years.

Charter re-  
newed and ex-  
tended for  
twenty-one  
years.

In the Senate House, the fourteenth day of December, in the year of our Lord one thousand eight hundred and sixty-six.

W. D. PORTER, President of the Senate.

C. H. SIMONTON, Speaker House of Representatives.

Approved December 15th, 1866: JAMES L. ORR, Governor.

AN ACT TO INCORPORATE THE WASHINGTON LIGHT INFANTRY No. 4863.  
CHARITABLE ASSOCIATION.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That for the purpose of assisting the indigent families of deceased or disabled soldiers and sailors of the late Confederate army and navy, the surviving officers and members of companies "A" and "B," Washington Light Infantry, of Charleston, South Carolina, their associates and successors, be, and they are hereby, declared a body politic and corporate, by the name and style of "The Washington Light Infantry Charitable Association;" shall have a common seal, with power to alter and make new the same; shall have right and power to take, hold and enjoy in their corporate

Company in-  
corporated for  
fourteen years.

Power and  
privileges of.

A. D. 1800.

name real estate, not exceeding in value fifty thousand dollars; shall have power to make by-laws not repugnant to the laws of the land, and shall have all the other rights and powers usual, incident or necessary to such corporations.

II. That this Act shall be deemed a public Act, and shall continue of force for fourteen years.

In the Senate House, the fourteenth day of December, in the year of our Lord one thousand eight hundred and sixty-six.

W. D. PORTER, President of the Senate.

C. H. SIMONTON, Speaker House of Representatives.

Approved December 14th, 1866: JAMES L. ORR, Governor.

NO. 4864. AN ACT TO EXTEND THE CHARTER OF THE MARION FIRE ENGINE COMPANY.

Charter extended for fourteen years.

*Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the charter of the Marion Fire Engine Company be, and the same is hereby, extended for the term of fourteen years from the expiration thereof.

In the Senate House, the twentieth day of December, in the year of our Lord one thousand eight hundred and sixty-six.

W. D. PORTER, President of the Senate.

C. H. SIMONTON, Speaker House of Representatives.

Approved December 20th, 1866: JAMES L. ORR, Governor.

NO. 4865. AN ACT TO INCORPORATE "THE TRUSTEES OF THE WALTERBOROUGH MALE ACADEMY."

Walterborough Male Academy, incorporated for fourteen years.

Rights, powers and privileges.

Acts and deeds confirmed.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That Thomas Lining, Edmund E. Bellinger, C. Baring Farmer, Andrew F. O'Brien, Carlos Tracey and Oliver P. Williams, their associates and successors, be, and they are hereby, declared a body politic and corporate, under the name and style of "The Trustees of the Walterborough Male Academy," and that they be invested with all the rights to escheated property, and all the other rights, powers and privileges heretofore vested in the Trustees of the Walterborough Academy.

II. That all the acts and deeds of the acting Trustees of the Walterborough Male Academy, from December, in the year of our Lord one thousand eight hundred and fifty-five, to the passage of this Act, be, and the same are hereby, confirmed and legalized.



III. That this Act shall be deemed a public Act, and continue in force for fourteen years.

A. D. 1866.

In the Senate House, the nineteenth day of December, in the year of our Lord one thousand eight hundred and sixty-six.

WILLIAM D. PORTER, President of the Senate.  
C. H. SIMONTON, Speaker House of Representatives.

Approved December 19th, 1866: JAMES L. ORR, Governor.

# AN ACT TO INCORPORATE THE CHERAW BRIDGE COMPANY. No. 4866.

Whereas the company heretofore incorporated under the name and style of "The Cheraw Bridge Company" have taken no steps towards the re-building of the bridge across the Great Pee Dee River, at Cheraw, which was destroyed during the recent war; and whereas a majority of the shareholders in said company have signified their assent to the formation of a new company, for the purpose of re-building said bridge, on or near the site of the old bridge, upon condition that the value of the foundations of the old bridge, and the dam leading thereto, shall be assessed, and that the shareholders in said old company shall be entitled to stock in the new company to the amount, at its par value, of such assessed value, in the proportions in which they held stock in the old company, and in consideration thereof, that the company hereby to be established should be entitled to the said dam and foundations, together with all the other chartered rights and privileges of said old company; therefore,

Preamble as to rights of former Cheraw Bridge Company.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That William Godfrey, B. D. Townsend, Allan Macfarlan, W. L. J. Reid, and their associates and successors, be, and the same are hereby, declared a body politic and corporate, by the name and style of "The Cheraw Bridge Company," with power to construct a bridge across the Great Pee Dee River, on or near the site of the old bridge, at Cheraw, and to impose and collect toll at such rates as said company may determine upon, not exceeding the rates heretofore established by said old company.

New company incorporated - power of as to tolls, etc.

II. That the capital stock of said company shall be fifteen thousand dollars, with the privilege of increasing the same to any amount not exceeding thirty thousand dollars.

Capital stock.

III. The said company, by its corporate name, shall have power to hold real and personal estate to any amount not exceeding thirty thousand dollars, and the same, or any part thereof, to alien, sell and transfer, to have and use a corporate seal, to sue and be sued, to have succession of officers and members, to make all such by-laws, rules and regulations, not repugnant to the laws of the land, as may be deemed necessary, and shall have and enjoy all such rights, powers and privileges as are incident to bodies corporate: *Provided, however,* That before the construction of the new

Power, rights and privileges.

A. D. 1866.

Commission-  
ers to appraise  
value of founda-  
tions, etc.,  
of old bridges.

bridge shall be commenced, the company hereby established shall apply to one of the Chancellors of the State for the appointment of three Commissioners, a majority of whom shall appraise the value of the foundations of the old bridge, and of the dam leading thereto, whereupon the shareholders in the old company shall be entitled to an amount of stock in the company hereby provided for, equal at its par value to such appraised value, to be divided amongst the said shareholders in proportion to the number of shares held by each in said old company.

Term of char-  
ter 14 years.

IV. This shall be deemed a public Act, and continue of force for the term of fourteen years from the date of its ratification.

In the Senate House, the nineteenth day of December, in the year of our Lord one thousand eight hundred and sixty-six.

W. D. PORTER, President of the Senate.

C. H. SIMONTON, Speaker House of Representatives.

Approved December 19, 1866: JAMES L. ORR, Governor.

No. 4867. AN ACT TO RENEW THE CHARTER OF THE TOWN OF BEAUFORT.

Charter re-  
newed for  
fourteen years.

Acts confirmed.

*Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That "the town of Beaufort" be, and the same is hereby, re-incorporated for the term of fourteen years, with all the powers and privileges heretofore granted, and all acts done by the Intendant and Wardens of the said town, under the charter thereof, since the expiration of the same, are hereby confirmed.

In the Senate House, the twentieth day of December, in the year of our Lord one thousand eight hundred and sixty-six.

W. D. PORTER, President of the Senate.

C. H. SIMONTON, Speaker House of Representatives.

Approved December 20th, 1866: JAMES L. ORR, Governor.

No. 1868. AN ACT TO AMEND THE CHARTER OF THE TOWN OF YORKVILLE.

Charter  
amended so as  
to let out con-  
tracts for work-  
ing streets, etc.

*Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the charter of the town of Yorkville be, and the same is hereby, so altered and amended as to authorize the Town Council thereof to let out the working of the public roads and streets of said town by contract to the lowest bidder, and to impose a com-

mutation tax on the citizens of the town liable to road duty, sufficient to pay for the same.

A. D. 1866.

In the Senate House, the twentieth day of December, in the year of our Lord one thousand eight hundred and sixty-six.

W. D. PORTER, President of the Senate.

C. H. SIMONTON, Speaker House of Representatives.

Approved December 20th, 1866: JAMES L. ORR, Governor.

AN ACT TO RENEW AND EXTEND THE CHARTER OF THE METHODIST BENEVOLENT SOCIETY OF CHARLESTON. No. 4869.

*Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the charter of the Methodist Benevolent Society of Charleston be, and the same is hereby, renewed and extended for the term of twenty-one years.

Charter renewed and extended for twenty-one years.

In the Senate House, the twentieth day of December, in the year of our Lord one thousand eight hundred and sixty-six.

W. D. PORTER, President of the Senate.

C. H. SIMONTON, Speaker House of Representatives.

Approved December 20th, 1866: JAMES L. ORR, Governor.

AN ACT TO ALTER AND AMEND THE CHARTER OF THE TOWN OF WINNSBORO. No. 4870.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the corporate limits of the town of Winnsboro shall be extended to embrace a rectangle, the central point of which shall be the central point of the intersection of Congress and Market streets of the said town, the bounding lines of which rectangle on the eastward and westward, shall be parallel to, and one-half mile from, the said Congress street, and the bounding lines on the northward and southward shall be three-fourths of a mile from said central point.

Corporate limits extended

II. That the charter of the said town be, and the same is hereby, so amended as to conform *mutatis mutandis* to the Act entitled "An Act to alter and amend the charter of the town of Aiken," ratified the twenty-second day of December, in the year of our Lord one thousand eight hundred and fifty-nine, except that the election for Intendant and Wardens shall be held on the first Monday in April of each year, and that the corporate limits be as hereinbefore prescribed: *Provided, also*, That all clauses in said Act relating to

Charter amended.

Time of election of Intendant and Wardens.

Proviso.



A. D. 1866.

"slaves," together with the whole of Section IX, shall be excluded from the charter of the town of Winnsboro.

All other Acts repealed, and this Act to continue in force for twenty years.

III. That the charter of the town of Winnsboro, passed on the nineteenth day of December, in the year of our Lord one thousand eight hundred and forty-eight, and all Acts amendatory thereof, as well as all others repugnant to this Act, be, and the same are hereby, repealed, and that this Act shall be deemed and taken to be a public Act, and shall continue in force for twenty years.

In the Senate House, the nineteenth day of December, in the year of our Lord one thousand eight hundred and sixty-six.

W. D. PORTER, President of the Senate.  
C. H. SIMONTON, Speaker House of Representatives.

Approved December 19th, 1866: JAMES L. ORR, Governor.

No. 4871. AN ACT TO CHANGE THE NAME AND RENEW AND AMEND THE CHARTER OF THE "YORKVILLE FIRE ENGINE COMPANY."

Name changed to Franklin Fire Engine Company, and charter extended for twenty years.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the name of the "Yorkville Fire Engine Company" be, and the same is hereby, changed to "Franklin Fire Engine Company," and by the said new name the charter heretofore granted to said company is renewed and extended for the term of twenty years, with all the rights, powers and privileges heretofore enjoyed.

May increase number of members and collect fines.

II. That said company is authorized and empowered to increase the number of its members from fifty to seventy-five men, and to impose and collect by process of law all such fines for default of duty on the part of its members as shall be fixed by their by-laws.

In the Senate House, the fourteenth day of December, in the year of our Lord one thousand eight hundred and sixty-six.

W. D. PORTER, President of the Senate.  
C. H. SIMONTON, Speaker House of Representatives.

Approved December 15th, 1866: JAMES L. ORR, Governor.

No. 4872. AN ACT TO INCORPORATE THE CHARLESTON DREDGING AND WHARF BUILDING COMPANY.

Company incorporated.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That James Carlin, John W. Sly, James Eagan, Charles Barkley, and John Ferguson, and their associates and successors, be, and they are hereby declared to be, a body corporate and politic in law,

by the name of the "Charleston Dredging and Wharf Building Company."

II. The capital stock of the said company shall be twenty-five thousand dollars, in shares of one hundred dollars each, but said company shall be allowed to go into operation when fifteen thousand dollars of said stock shall have been subscribed for and paid in cash.

III. The affairs of said company shall be managed by a board consisting of a President and three Directors, who shall be elected in such manner and for such period as the stockholders may prescribe.

IV. The said company may hold such property, real and personal, as may be necessary for the purposes of their business, and may from time to time sell and transfer the same, or any part thereof.

V. That said company may, by its corporate name, sue and be sued in all Courts of this State; may have a common seal, and make such rules and by-laws as they shall see fit, not inconsistent with the laws of this State, for the proper management of said company.

In the Senate House, the twenty-first day of December, in the year of our Lord one thousand eight hundred and sixty-six.

W. D. PORTER, President of the Senate.

C. H. SIMONTON, Speaker House of Representatives.

Approved December 21st, 1866: JAMES L. ORR, Governor.

A. D. 1866.

Capital stock.

Shall not go into operation until certain terms are complied with.

President and of Directors

Power to hold property.

Privileges of.





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JOINT RESOLUTIONS  
OF THE  
GENERAL ASSEMBLY  
OF THE  
STATE OF SOUTH CAROLINA,  
PASSED AT THE  
ANNUAL SESSION OF 1866.

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## JOINT RESOLUTIONS

ADOPTED AT THE REGULAR SESSION OF THE LEGISLATURE OF SOUTH CAROLINA, 1866.

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IN THE HOUSE OF REPRESENTATIVES, December 6, 1866.

*Resolved*, That Theodore D. Wagener and George W. Williams be, and are hereby, appointed proxies to represent the stock owned by the State in the Cheraw and Coalfield Railroad Company in all the meetings of the said company, until the next regular session of this General Assembly.

*Resolved*, That the House do agree to the resolution.

*Ordered*, That it be sent to the Senate for concurrence.

By order :

JOHN T. SLOAN, C. H. R.

---

IN THE SENATE, December 13, 1866.

Concurred in and ordered to be returned to the House.

By order :

WM. E. MARTIN, C. S.

---

IN THE SENATE, December 18, 1866.

*Resolved*, That the sum of fifty dollars be paid the Messenger, A. D. Gaillard, for his services as mail carrier for the Senate.

*Resolved*, That the Senate do agree to the resolution.

*Ordered*, That it be sent to the House of Representatives for concurrence.

By order :

WM. E. MARTIN, C. S.

---

IN THE HOUSE OF REPRESENTATIVES, December 19, 1866.

*Resolved*, That the House do concur in the resolution.

*Ordered*, That it be returned to the Senate.

By order :

JOHN T. SLOAN, C. H. R.



## JOINT RESOLUTIONS.

IN THE SENATE, December 20, 1866.

*Resolved*, That His Excellency the Governor be authorized to call for plans and estimates for covering the New State House building with a light tin roof, and to close the windows and door openings with rough shutters to protect it from injury; that he appoint the Architect whose plan shall be adopted superintendent of the work, after he has fully matured his plan and drawn up specifications, which shall fully set forth all the work to be contracted for, and that the same be done at the earliest day practicable.

*Resolved*, That the Senate do agree to the resolution.

*Ordered*, That it be sent to the House of Representatives for concurrence.

By order :

WM. E. MARTIN, C. S.

---

IN THE HOUSE OF REPRESENTATIVES, December 21, 1866.

*Resolved*, That the House do concur in the resolution.

*Ordered*, That it be returned to the Senate.

By order :

JOHN T. SLOAN, C. H. R.

---

IN THE SENATE, December 20, 1866.

*Resolved*, That the Commissioners for the sale of the State Works at Greenville be authorized to sell to G. W. Morse, or other purchaser, the personal property connected with the same remaining unsold, upon a credit of two and three years, upon proper security being given for the payments: *Provided*, That the price fixed on said property shall not be less than the appraised value thereof.

*Resolved*, That the Senate do agree to the resolution.

*Ordered*, That it be sent to the House of Representatives for concurrence.

By order :

WM. E. MARTIN, C. S.

---

IN THE HOUSE OF REPRESENTATIVES, December 21, 1866.

*Resolved*, That the House do concur in the resolution.

*Ordered*, That it be returned to the Senate.

By order :

JOHN T. SLOAN, C. H. R.

---

IN THE SENATE, December 1, 1866.

*Resolved*, That it be referred to the Committee on the Subject of the Election of United States Senators to inquire and report as to the expe-

liency of postponing, for this session, of the said election, if the same be practicable.

*Resolved*, That the Senate do agree to the resolution.

*Ordered*, That it be sent to the House of Representatives.

By order :

WM. E. MARTIN, C. S.

---

IN THE HOUSE OF REPRESENTATIVES, December 3, 1866.

*Resolved*, That the House do concur in the resolution.

*Ordered*, That it be returned to the Senate.

By order :

JOHN T. SLOAN, C. H. R.

---

IN THE SENATE, December 4, 1866.

*Resolved*, That the Treasurer of the State, of the surplus copies in his office, deliver one copy of the printed Acts and Resolutions of the General Assembly of South Carolina, from the year 1838, to the present time, to the Clerk of the Court of Appeals, for the use of said Court.

*Resolved*, That the Senate do agree to the resolution.

*Ordered*, That it be sent to the House of Representatives for concurrence.

By order :

WM. E. MARTIN, C. S.

---

IN THE HOUSE OF REPRESENTATIVES, December 5, 1866.

*Resolved*, That the House do concur in the resolution.

*Ordered*, That it be returned to the Senate.

By order :

JOHN T. SLOAN, C. H. R.

---

IN THE HOUSE OF REPRESENTATIVES, December 21, 1866.

Whereas a communication from the Board of Managers of the Ladies' Memorial Association, for Confederate dead, of Oakwood Cemetery, Virginia, appealing to this General Assembly for aid in rescuing the graves of the heroic dead from obliteration, has been received too late for such action as this Legislature would desire to take ; be it

*Resolved* by the Senate and House of Representatives, That the Governor be, and is hereby, authorized to contribute, from the Contingent Fund, the sum of one thousand dollars to the above association.

*Resolved*, That the House do agree to the resolution.

*Ordered*, That it be sent to the Senate for concurrence.

By order :

JOHN T. SLOAN, C. H. R.

## JOINT RESOLUTIONS.

IN THE SENATE, December 21, 1866.

*Resolved*, That the Senate do concur in the resolution.*Ordered*, That it be returned to the House of Representatives.

By order :

WM. E. MARTIN, C. S.

IN THE HOUSE OF REPRESENTATIVES, December 1, 1866.

*Resolved* by the Senate and House of Representatives, That the accounts of the Sheriffs from the various Districts, for dieting prisoners, now before the Comptroller, shall be audited by him at the rate of fifty cents per diem for each prisoner.*Resolved*, That the House do agree to the resolution.*Ordered*, That it be sent to the Senate for concurrence.

By order :

JOHN T. SLOAN, C. H. R.

IN THE SENATE, December 4, 1866.

*Resolved*, That the Senate do concur in the resolution.*Ordered*, That it be returned to the House of Representatives.

By order :

WM. E. MARTIN, C. S.

IN THE SENATE, December 20, 1866.

*Resolved*, That the State Treasurer be authorized to fund the interest on the stocks of the State past due, as provided for in the Act of September, 1866, and the Act passed at the present session of the General Assembly, in the name of the parties or persons holding the principal, or entitled to the interest on the said stocks, on the first day of January, 1867.*Resolved*, That the Senate do agree to the resolution.*Ordered*, That it be sent to the House for concurrence.

By order :

WM. E. MARTIN, C. S.

IN THE HOUSE OF REPRESENTATIVES, December 20, 1866.

*Resolved*, That the House do concur in the resolution.*Ordered*, That it be returned to the Senate.

By order :

JOHN T. SLOAN, C. H. R.



IN THE HOUSE OF REPRESENTATIVES, December 17, 1866.

*Resolved*, That "a Bill substituted for the legislation induced by the emancipation of slaves," as printed for the use of the House, in advance of its introduction, be printed and bound up with the volume of Reports and Resolutions, as suggested by the Committee on the Judiciary.

*Resolved*, That the House do agree to the resolution.

*Ordered*, That it be sent to the Senate for concurrence.

By order:

JOHN T. SLOAN, C. H. R.

---

IN THE SENATE, December 21, 1866.

*Resolved*, That the Senate do concur in the resolution.

*Ordered*, That it be returned to the House of Representatives.

By order:

WM. E. MARTIN, C. S.

---

IN THE HOUSE OF REPRESENTATIVES, December 19, 1866.

*Resolved*, That the Commissioners of Free Schools for the several Parishes and Districts of the State be, and they are hereby, authorized and empowered to receive any sum, or sums of money, that may be appropriated by Congress, or donated by persons, for the education of the colored children of said Parishes, and to apply the same to the aforesaid purpose, by hiring or building school houses, procuring teachers and books, and arranging the modes of instruction, and the said Commissioners shall have power to superintend and manage the said schools.

*Resolved*, That the House do agree to the resolution.

*Ordered*, That it be sent to the Senate for concurrence.

By order:

JOHN T. SLOAN, C. H. R.

---

IN THE SENATE, December 20, 1866.

*Resolved*, That the Senate do concur in the resolution.

*Ordered*, That it be returned to the House of Representatives.

By order:

WM. E. MARTIN, C. S.

---

IN THE HOUSE OF REPRESENTATIVES, December 14, 1866.

*Resolved*, That Thomas Lyles, Jr., J. W. Carlisle and D. Goudelock, be appointed proxies to represent the State stock in the Spartanburg and Union Railroad Company.

*Resolved*, That the House do agree to the resolution.

*Ordered*, That it be sent to the Senate for concurrence.

By order:

JOHN T. SLOAN, C. H. R.

## JOINT RESOLUTIONS.

IN THE SENATE, December 20, 1866.

*Resolved*, That the Senate do concur in the resolution.*Ordered*, That it be returned to the House of Representatives.

By order :

WM. E. MARTIN, C. S.

IN THE HOUSE OF REPRESENTATIVES, December 3, 1866.

*Resolved*, That the Public Printer be required to furnish the Comptroller General and Treasurer, daily, with the Journals of this House and the Senate.*Resolved*, That the House do agree to the resolution.*Ordered*, That it be sent to the Senate for concurrence.

By order :

JOHN T. SLOAN, C. H. R.

IN THE SENATE, December 7, 1866.

*Resolved*, That the Senate do concur in the resolution.*Ordered*, That it be returned to the House of Representatives.

By order :

WM. E. MARTIN, C. S.

IN THE HOUSE OF REPRESENTATIVES, December 5, 1866.

*Resolved* by the Senate and House of Representatives, That hereafter it shall be the duty of the Boards of Commissioners of Roads, for each Judicial District, to report annually to the General Assembly the aggregate number of miles of public roads in their respective Districts, and the number of inhabitants liable to work thereon ; also the number of chartered ferries and their rates of toll.*Resolved*, That it shall also be incumbent upon the various Boards of Commissioners of the Poor, within twenty days from the adjournment of the Court of Common Pleas, at its Fall Term, to forward to the Comptroller General a certified copy of their annual report to said Court, setting forth the names and numbers of paupers in their respective Districts, and the amount expended for their support.*Resolved*, That the House do agree to the resolutions.*Ordered*, That they be sent to the Senate for concurrence.

By order :

JOHN T. SLOAN, C. H. R.

IN THE SENATE, December 11, 1866.

*Resolved*, That the Senate do concur in the resolutions.*Ordered*, That they be returned to the House of Representatives.

By order :

WM. E. MARTIN, C. S.

IN THE HOUSE OF REPRESENTATIVES, December 17, 1866.

*Resolved*, That Messrs. Charles T. Lowndes, F. J. Pelzer, and E. W. Marshal, be and are hereby appointed proxies to represent the stock held by the State in the Blue Ridge Railroad Company until the next regular session of the General Assembly.

*Resolved*, That the House do agree to the resolution.

*Ordered*, That it be sent to the Senate for concurrence.

By order :

JOHN T. SLOAN, C. H. R.

---

IN THE SENATE, December 20, 1866.

*Resolved*, That the Senate do concur in the resolution.

*Ordered*, That it be returned to the House of Representatives.

By order :

WM. E. MARTIN, C. S.

---

IN THE HOUSE OF REPRESENTATIVES, December 20, 1866.

*Resolved*, That the Governor be, and he is hereby, authorized, at the proper time, to make the necessary advances from the "Contingent Fund," that may be required to defray the expenses of the Agent appointed to receive and sell the land scrip donated by Congress, under an Act "to establish an Agricultural and Mechanical College," and upon the sale of the scrip (if received,) he shall be authorized to pay the said Agent a commission for his services, not to exceed one per cent. on the amount realized.

*Resolved*, That the House do agree to the resolution.

*Ordered*, That it be sent to the Senate for concurrence.

By order :

JOHN T. SLOAN, C. H. R.

---

IN THE SENATE, December 20, 1866.

*Resolved*, That the Senate do concur in the resolution.

*Ordered*, That it be returned to the House of Representatives.

By order :

WM. E. MARTIN, C. S.

---

IN THE HOUSE OF REPRESENTATIVES, December 1, 1866.

*Resolved*, That A. J. Anderson and J. J. Bunch be, and are hereby, appointed Commissioners of Roads, Bridges and Ferries, for the Lower Battalion, 7th Regiment, Edgefield District, S. C., vice W. G. Harris and Seth Butler, resigned.

*Resolved*, That the House do agree to the resolution.

*Ordered*, That it be sent to the Senate for concurrence.

By order :

JOHN T. SLOAN, C. H. R.



## JOINT RESOLUTIONS.

IN THE SENATE, December 13, 1866.

Concurred in and returned to the House.

By order:

WM. E. MARTIN, C. S.

IN THE SENATE, December 20, 1866.

*Resolved*, That Drury Nunamaker be appointed an additional Magistrate for Lexington District, in the 39th Regiment.*Resolved*, That the Senate do agree to the resolution.*Ordered*, That it be sent to the House of Representatives for concurrence.

By order:

WM. E. MARTIN, C. S.

IN THE HOUSE OF REPRESENTATIVES, December 20, 1866.

*Resolved*, That the House do concur in the resolution.*Ordered*, That it be returned to the Senate.

By order:

JOHN T. SLOAN, C. H. R.

IN THE HOUSE OF REPRESENTATIVES, December 14, 1866.

*Resolved*, That G. F. Townes, E. P. Lake and B. F. Crayton be, and are hereby, appointed proxies to represent the stock owned by the State in the Greenville and Columbia Railroad Company, in all meetings of said company, until the next regular session of this General Assembly.*Resolved*, That the House do agree to the resolution.*Ordered*, That it be sent to the Senate for concurrence.

By order:

JOHN T. SLOAN, C. H. R.

IN THE SENATE, December 13, 1866.

Concurred in and returned to the House.

By order:

WM. E. MARTIN, C. S.

IN THE HOUSE OF REPRESENTATIVES, December 1, 1866.

*Resolved*, That Dr. Sanford W. Barker be appointed a Magistrate for Berkeley District, and that the said appointment take effect immediately.*Resolved*, That the House do agree to the resolution.*Ordered*, That it be sent to the Senate for concurrence.

By order:

JOHN T. SLOAN, C. H. R.

IN THE SENATE, December 1, 1866.

*Resolved*, That the Senate do concur in the resolution.

*Ordered*, That it be returned to the House of Representatives.

By order:

WM. E. MARTIN, C. S.

---

IN THE HOUSE OF REPRESENTATIVES, December 17, 1866.

*Resolved*, That the present contract with Mr. F. G. de Fontaine, for the printing of the Legislature of the State, is hereby declared of force until the next regular session of the same.

*Resolved*, That the Clerks of the Senate and House of Representatives be required to advertise for proposals to print the current and permanent work of the next General Assembly, and that the same be advertised for two weeks, immediately preceding the next regular session, in one paper each in Charleston and Columbia; said bids to be laid before the General Assembly on the first day of the next regular session.

*Resolved*, That the State Printer be required to publish in the columns of the South Carolinian the Acts passed at this session of the General Assembly as soon after the adjournment of the Legislature as possible, and to send a copy of his paper containing the Acts to each member of the General Assembly, to the Attorney General, and each of the Solicitors, and to each of the Judges and Chancellors of the State.

*Resolved*, That the House do agree to the resolutions.

*Ordered*, That they be sent to the Senate for concurrence.

By order:

JOHN T. SLOAN, C. H. R.

---

IN THE SENATE, December 20, 1866.

*Resolved*, That the Senate do concur in the resolutions.

*Ordered*, That they be returned to the House of Representatives.

By order:

WM. E. MARTIN, C. S.

---

IN THE SENATE, December 7, 1866.

*Resolved*, That this General Assembly will adjourn *sine die* Friday, 20th instant, at 12 o'clock meridian.

*Resolved*, That the Senate do agree to the resolution.

*Ordered*, That it be sent to the House of Representatives for concurrence.

By order:

WM. E. MARTIN, C. S.

## JOINT RESOLUTIONS.

IN THE HOUSE OF REPRESENTATIVES, December 17, 1866.

*Resolved*, That the House do concur in the resolution.

*Ordered*, That it be returned to the Senate.

By order :

JOHN T. SLOAN, C. H. R.

---

IN THE HOUSE OF REPRESENTATIVES, December 19, 1866.

*Resolved*, That the Treasurer be authorized to pay the accounts and claims passed at this session to the members presenting them.

*Resolved*, That the House do agree to the resolution.

*Ordered*, That it be sent to the Senate for concurrence.

By order :

JOHN T. SLOAN, C. H. R.

---

IN THE SENATE, December 20, 1866.

*Resolved*, That the Senate do concur in the resolution.

*Ordered*, That it be returned to the House of Representatives.

By order :

WM. E. MARTIN, C. S.

---

IN THE HOUSE OF REPRESENTATIVES, December 8, 1866.

*Resolved*, That it is not only fair, right and proper, but essential to order and good government, that the payment of taxes levied under Act of this Legislature at its last regular session should be equally enforced against all who are liable to pay them ; therefore,

*Resolved*, That the Comptroller General do require the Sheriffs of the several Districts to enforce the collection of the tax executions against all defaulting tax payers.

*Resolved*, That the House do agree to the resolutions.

*Ordered*, That they be sent to the Senate for concurrence.

By order :

JOHN T. SLOAN, C. H. R.

---

IN THE SENATE, December 13, 1866.

Concurred in and returned to the House of Representatives.

By order :

WM. E. MARTIN, C. S.



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